



1 OCTOBER 1999

Meeting No 1298

MINUTES of an Extraordinary Meeting of the Council of the City of Sydney held in the Council Chamber at the Sydney Town Hall, commencing at 3.45pm on 1 October 1999 pursuant to Notice 14/1298 dated 27 September 1999.

INDEX TO MINUTES

<u>Subject</u>	<u>Page No.</u>
1. Confirmation of Minutes.....	675
Reports of Committees -	
2. Finance, Properties ad Tenders Committee - 27 September 1999	676
3. Cultural and City Care Committee - 27 September 1999	680

<u>Subject</u>	<u>Page No.</u>
4. Community Services, Small Business and Tourism Committee - 27 September 1999.....	683
5. Planning Development and Transport Committee - 27 September 1999.....	685
Reports to Council -	
6. Town Hall House Illuminated Signage Proposal	713
7. Allocation of Funding In The Local Community Grants Program 1999/2000	714
8. Status Report on Development Application: Ground Level and Basement, 600-612 George Street, Sydney (Planet Hollywood)	715
9. Status Report on Development Application: Burns Philp Building, 5-11 Bridge Street, Sydney	716
10. Development Application: Burns Philp Building, 5-11 Bridge Street, Sydney	716
11. Development Application: 211-217 Castlereagh Street And Part 137- 139b Bathurst Street, Sydney (No. 1 Fire Station).....	730
12. Development Application: 483 George Street, Sydney (Alterations and Additions to Lower Town Hall).....	747
13. Quarterly Review (S00-3239)	760
14. Central Sydney Local Environmental Plan 1996 - Draft Amendment No. 10 and Central Sydney Development Control Plan 1996 - Draft Amendment No. 10: Exempt and Complying Development.....	761
15. Smartpole™ Supply Tender 9912	762

PRESENT

The Right Hon The Lord Mayor Councillor Frank Sartor
(Chairman)

Councillors - Dixie Coulton, Kathryn Greiner, Fabian Marsden and Lucy Turnbull.

At the commencement of business at 3.45pm those present were:-

The Lord Mayor, Councillors Coulton, Greiner, Marsden and Turnbull.

The General Manager, Deputy General Manager, Director Legal and Secretariat, Director City Projects and Acting Director City Development were also present.

Adjournment

The Extraordinary Meeting of Council commenced at 3.45pm in the Finance Committee Room. However, for the convenience of members of the public present, the meeting adjourned at 3.46pm and resumed at 3.48pm in the Council Chamber.

Those present when the meeting resumed were:-

The Chairman (the Lord Mayor), Councillors Coulton, Greiner, Marsden and Turnbull.

Apologies

Councillor Nick Farr-Jones extended his apologies for his inability to attend the meeting of Council as he was overseas.

Councillor Robert Ho extended his apologies for his inability to attend the meeting of Council as he was in hospital.

Moved by the Chairman (the Lord Mayor), seconded by Council Greiner -

That the apologies from Councillor Farr-Jones and Councillor Ho be accepted and leave of absence from the meeting be granted.

Carried.

ITEM 1. CONFIRMATION OF MINUTES

Moved by the Chairman (the Lord Mayor), seconded by Councillor Greiner -

That the minutes of the following Council meetings, as circulated to Councillors, be confirmed:

- Meeting of Monday 16 August 1999
- Extraordinary Meeting of Monday 30 August 1999
- Extraordinary Meeting of Monday 20 September 1999

Carried.

ITEM 2. REPORT OF THE FINANCE, PROPERTIES AND TENDERS COMMITTEE - 27 SEPTEMBER 1999

PRESENT

The Right Hon The Lord Mayor Councillor Frank Sartor
(Chairman)

Councillors - Dixie Coulton, Kathryn Greiner and Lucy Turnbull.

At the commencement of business at 4.20pm those present were -

The Lord Mayor, Councillors Coulton, Greiner and Turnbull.

Councillor Fabian Marsden was also present.

Apologies

Councillor Nick Farr-Jones extended his apologies for his inability to attend the meeting of the Finance, Properties and Tenders Committee owing to his being overseas.

Councillor Robert Ho extended his apologies for his inability to attend the meeting of the Finance, Properties and Tenders Committee owing to his being in hospital.

Moved by the Chairman (the Lord Mayor), seconded by Councillor Greiner -

That the apologies from Councillor Farr-Jones and Councillor Ho be accepted and leave of absence from the meeting be granted.

Carried.

Adjournment

At 4.30pm, at the conclusion of discussion on Item 2, the meeting of the Finance, Properties and Tenders Committee adjourned to enable the meeting of the Cultural and City Care Committee to commence.

At 5.38pm the meeting of the Finance, Properties and Tenders Committee resumed.

Those present at the resumption of the meeting were the Lord Mayor, Councillors Coulton, Greiner and Turnbull.

Councillor Marsden was also present.

Closed Meeting

At 5.39pm the Finance, Properties and Tenders Committee resolved to close the meeting to the public to discuss Items 3, 4 and 5 on the agenda.

The meeting of the Finance, Properties and Tenders Committee concluded at 6.28pm.

Report of the Committee

Moved by the Chairman (the Lord Mayor), seconded by Councillor Greiner -

That the Report of the Finance, Properties and Tenders Committee of its meeting of 27 September 1999 be received, and the recommendations set out below for Items 2.1, 2.3 and 2.4 be adopted, with Items 2.2 and 2.5 being dealt with as shown immediately following those items.

Carried.

The Finance, Properties and Tenders Committee recommended the following -

INVESTMENTS HELD BY COUNCIL AS AT 31 AUGUST 1999 (AO2-00360)

2.1

That arising from consideration of a report by the Management Accounting Officer to the Finance, Properties and Tenders Committee on 27 September 1999, on Investments Held by Council as at 31 August 1999, it be resolved that the report be received and noted.

Carried.

TOWN HALL HOUSE ILLUMINATED SIGNAGE PROPOSAL (S 007 630)

2.2

That consideration of this matter be deferred until the meeting of Council on 1 October 1999.

Carried.

(Note - This item was dealt with by Council as Item 6 on the Business Paper).

Note - The Finance, Properties and Tenders Committee requested that photo montages, showing several perspectives, be prepared.

Closed Meeting

At 5.38pm, the Finance, Properties and Tenders Committee resolved -

That, due notice of the intention to close the meeting having been given, the meeting be closed in accordance with the provisions of Section 10A 2)(d)(i) of the Local Government Act 1993 to discuss Items 2.3, 2.4, and 2.5 on the agenda as these matters comprised discussion of commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the persons who supplied it;

and it was further resolved that the meeting be closed for these items on the basis that discussion of these matters in open session would, on balance, be contrary to the public interest, specifically, there is a need to preserve confidentiality having regard to the subject matters and the circumstances of communications.

Items 2.3, 2.4 and 2.5 were then dealt with by the Finance, Properties and Tenders Committee while the meeting was closed to the public. Items 2.3 and 2.4 were subsequently dealt with by Council in open session, while Item 2.5 was dealt with as Item 15 on the Business Paper while the meeting of Council was closed to the public.

ALBERT STREET, ST PETERS WASTE MANAGEMENT FACILITY-STORMWATER DIVERSION LINE (S008094)**2.3**

That arising from consideration of a report by the Project Manager, City Service Development to the Finance, Properties and Tenders Committee on 27 September 1999 on the tender process for the stormwater diversion line for the Albert Street, St Peters Waste Management Facility, it be resolved that:-

- (A) all tenders be rejected;
- (B) authority be delegated to the General Manager to negotiate with the parties named in Paragraph 7 of the Report in relation to Route 3 as described in the Report for an amount not exceeding the amount stated in Paragraph 17 of the Report;
- (C) authority be delegated to the General Manager to enter into a contract following completion of the negotiations referred to in Paragraph B; and
- (D) fresh tenders not be invited having regard to the requirements of Sydney Water and the Environment Protection Authority to complete these works as soon as possible.

Carried.

LIVING COLOUR - FLORAL DISPLAYS - CONTRACT 9903 - APPROVAL TO EXTEND CONTRACT PERIOD TO INCLUDE SEPTEMBER 2000 AND JANUARY 2001 (S007113)

2.4

That arising from consideration of a report by the Project Manager to the Finance, Properties and Tenders Committee on 27 September 1999, in relation to LIVING COLOUR - Floral Displays - Contract 9903 - Approval to extend contract period to include September 2000 and January 2001, it be resolved that:-

- (A) authority be delegated to the General Manager to extend the current contract by 1 year and to negotiate a package of works up to the value of \$900,000 for September 2000 and January 2001 Displays with John Patrick / Citywide / Floriana;
- (B) Council allocate a contingency sum of \$100,000 for potential operational, emergency, and security costs;
- (C) the design detail of the proposal be further refined and the proposal be submitted to a briefing of Councillors; and
- (D) the General Manager be requested to examine a range of options to expand the scope of the event with particular regard to the Olympic Games and Paralympic Games period.

Carried.

SMARTPOLE™ (SUPPLY TENDER 9912) (S009009)

2.5

That consideration of this matter be deferred until the meeting of Council on 1 October 1999.

Carried.

(Note - This item was dealt with by Council as Item 15 on the Business Paper).

Note - The following persons addressed the meeting of the Finance, Properties and Tenders Committee on this matter -

Mr Des Bethke, Mills Oakley Consulting
Ms Terese Brady, Deloitte Touche Tohmatsu

**ITEM 3. REPORT OF THE CULTURAL AND CITY CARE COMMITTEE -
27 SEPTEMBER 1999**

PRESENT

Councillor Dixie Coulton
(Chairman)

The Lord Mayor, Councillor Frank Sartor, and Councillors Kathryn Greiner and Lucy Turnbull.

At the commencement of business at 4.31pm, those present were -

The Lord Mayor, Councillors Coulton, Greiner and Turnbull.

Councillor Fabian Marsden was also present.

Apologies

Councillor Nick Farr-Jones extended his apologies for his inability to attend the meeting of the Cultural and City Care Committee owing to his being overseas.

Councillor Robert Ho extended his apologies for his inability to attend the meeting of the Cultural and City Care Committee owing to his being in hospital.

Moved by the Lord Mayor, seconded by Councillor Greiner -

That the apologies from Councillor Farr-Jones and Councillor Ho be accepted and leave of absence from the meeting be granted.

Carried.

Order of Business

The Cultural and City Care Committee resolved, in accordance with Clause 12 (2) of the Local Government (Meetings) Regulation 1999, that the order of business be altered for the convenience of the public present, such that the agenda items be dealt with in the following order:

4. Exterior Lighting Strategy for the City of Sydney
1. Busking Policy
2. Cultural Strategic Partnerships Program 1996-1999
3. Themed Weekends

The meeting of the Cultural and City Care Committee concluded at 5.37pm.

Report of the Committee

Moved by Councillor Coulton, seconded by Councillor Greiner -

That the Report of the Cultural and City Care Committee of its meeting of 27 September 1999 be received, and the recommendations set out below for Items 3.1, 3.2, 3.3 and 3.4 be adopted.

Carried.

The Committee recommended the following -

BUSKING POLICY (S06-02841)**3.1**

That arising from consideration of a report by the Cultural Policy Officer, Cultural Affairs and Protocol Unit to the Cultural and City Care Committee on 27 September 1999, it be resolved that:-

- (A) consideration of this matter be deferred;
- (B) the Sydney Harbour Foreshore Authority be invited to nominate a representative to attend meetings of the Busking Review Committee, to enable a common approach to be developed, which also includes harbour foreshore areas of the city; and
- (C) the General Manager be asked also to address the question of lifting the standard of busking in the city, generally, and particularly during the Olympic Games period.

Carried.

CULTURAL STRATEGIC PARTNERSHIPS PROGRAM 1996-1999 (D03-00964 AND D03-00998)**3.2**

That arising from consideration of a report by the Cultural Policy Officer to the Cultural and City Care Committee on 27 September 1999, on Cultural Strategic Partnerships Program 1996-1999, it be resolved that -

- (A) the General Manager be requested to review the entire Cultural Strategic Partnerships Program with a view to ensuring that the Program directly supports the Themed Weekends initiative; and
- (B) the General Manager also be asked to develop strategies to implement the revised program as soon as practicable.

Carried.

THEMED WEEKENDS

3.3

That arising from consideration of a report by the Manager Public Affairs to the Cultural and City Care Committee on 27 September 1999, it be resolved that:-

- (A) Council support the concept of a special themed weekend on October 29 - 31 1999 and delegate authority to the General Manager and the Chair of the Cultural and City Care Committee to approve the final proposal for this event;
- (B) the themes proposed for the other weekends in 2000 be further developed at workshops, and Councillors be briefed on progress on this matter;
- (C) funds of up to \$150,000 be drawn from contingency funds in support of the development of the Themed Weekend concept, and more specific budgets be prepared in relation to each Weekend; and
- (D) briefings of Councillors are to include details of an assessment of the success of the Themed Weekends.

Carried.

EXTERIOR LIGHTING STRATEGY FOR THE CITY OF SYDNEY (S009041)

3.4

That arising from consideration of a report by the Coordinator Special Projects to the Cultural and City Care Committee on 27 September 1999, on the draft Exterior Lighting Strategy, it be resolved that:-

- (A) the subject report and the proposed Exterior Lighting Strategy be noted;
- (B) the following authorities be invited to comment on the proposed Strategy -
 - Central Sydney Planning Committee
 - Sydney Harbour Foreshore Authority
 - Darling Harbour Authority
 - Roads and Traffic Authority
 - Police Service of NSW

and other relevant authorities and bodies; and

- (C) a further report be submitted to Council.

Carried.

ITEM 4. REPORT OF THE COMMUNITY SERVICES, SMALL BUSINESS AND TOURISM COMMITTEE - 27 SEPTEMBER 1999

PRESENT

Councillor Fabian Marsden
(Chairman)

Councillors - Dixie Coulton, Councillor Kathryn Greiner and Councillor Lucy Turnbull.

At the commencement of business at 6.29pm, those present were -

Councillors Coulton, Greiner, Marsden and Turnbull.

Apologies

Councillor Nick Farr-Jones extended his apologies for his inability to attend the meeting of the Community Services, Small Business and Tourism Committee owing to his being overseas.

Councillor Robert Ho extended his apologies for his inability to attend the meeting of the Community Services, Small Business and Tourism Committee owing to his being in hospital.

Moved by Councillor Marsden, seconded by Councillor Greiner -

That the apologies from Councillor Farr-Jones and Councillor Ho be accepted and leave of absence from the meeting be granted.

Carried.

The meeting of the Community Services, Small Business and Tourism Committee concluded at 6.39pm.

Report of the Committee

Moved by Councillor Marsden, seconded by Councillor Turnbull -

That the Report of the Community Services, Small Business and Tourism Committee of its meeting of Monday 27 September 1999 be received, and the recommendations set out below for Item 4.2 be adopted, with Item 4.1 being dealt with as shown immediately following those items.

Carried.

The Committee recommended the following:-

ALLOCATION OF FUNDING IN THE LOCAL COMMUNITY GRANTS PROGRAM 1999/2000 (S006838)

4.1

That consideration of this matter be deferred until the meeting of Council on 1 October 1999.

Carried.

(Note - This item was dealt with by Council as Item 7 on the Business Report).

STATE OF THE ENVIRONMENT REPORT (S005147)

4.2

That arising from consideration of a report by the Research Project Manager, City Service Development, to the Community Services, Small Business and Tourism Committee on 27 September 1999, it be resolved that:-

- (A) the City of Sydney's State of the Environment Report be received and noted; and
- (B) a briefing of Councillors on this matter be arranged.

Carried.

ITEM 5. REPORT OF THE PLANNING DEVELOPMENT AND TRANSPORT COMMITTEE - 27 SEPTEMBER 1999

PRESENT

Councillor Lucy Turnbull
(Chairman)

Councillors - Dixie Coulton, Kathryn Greiner and Fabian Marsden.

At the commencement of business at 6.40pm, those present were -

Councillors Coulton, Greiner, Marsden and Turnbull.

Apologies

Councillor Farr-Jones extended his apologies for his inability to attend the meeting of the Planning Development and Transport Committee owing to his being overseas.

Councillor Ho extended his apologies for his inability to attend the meeting of the Planning Development and Transport Committee owing to his being in hospital.

Moved by Councillor Turnbull, seconded by Councillor Greiner -

That the apologies from Councillor Farr-Jones and Councillor Ho be accepted and leave of absence from the meeting be granted.

Carried.

Adjournment

At 6.42pm Councillor Coulton left the meeting of the Planning Development and Transport Committee. There being insufficient numbers for a quorum, the meeting adjourned. At 6.43pm Councillor Coulton returned and the meeting of the Planning Development and Transport Committee resumed.

The meeting of the Planning Development and Transport Committee concluded at 8.02pm.

Report of the Committee

Moved by Councillor Turnbull, seconded by Councillor Greiner -

That the Report of the Planning Development and Tourism Committee of its meeting of Monday 27 September 1999 be received, and the recommendations set out below for Items 5.1, 5.2 and 5.6 be adopted, with Items 5.3, 5.4, 5.5, 5.7 and 5.8 being dealt with as shown immediately following those items.

Carried.

The Committee recommended the following:-

PART "A" - DETERMINED BY COUNCIL

PROGRESS REPORT ON DEVELOPMENT APPLICATIONS (A03-00138/1)

5.1

That arising from consideration of a report by the Manager Development to the Planning Development and Transport Committee on 27 September 1999, in relation to the Progress Report on Development Applications, it be resolved that the report be received and noted.

Carried.

STATUS REPORT: FARMERS & GRAZIERS WOOLSTORE - 372 - 428 WATTLE STREET, CNR JONES & MACARTHUR STREETS, ULTIMO (D1999/00349)

5.2

That arising from consideration of a report by the Director City Development to the Planning Development and Transport Committee on 27 September 1999, in relation to Development Application D99-00349 made by Meriton Apartments Pty Ltd for the site at 372 - 428 Wattle Street, Ultimo, Farmers & Graziers Woolstore Building for use of Lot 338 as commercial office space, it be resolved that:-

- (A) the report by the Director City Development be received and noted;
- (B) the General Manager hold further discussions with the applicant and residents to ensure thorough consideration of other viable options for the use of the space; and
- (C) a further report be submitted to the Planning Development and Transport Committee.

Carried.

Note - The following persons addressed the meeting of the Planning Development and Transport Committee on this matter -

Mr Robin Graham, Ultimo Precinct Committee
Ms Sylvia Hrovatin, Meriton Apartments Pty Ltd

STATUS REPORT ON DEVELOPMENT APPLICATION: GROUND LEVEL AND BASEMENT, 600-612 GEORGE STREET, SYDNEY (PLANET HOLLYWOOD) (D99-00518)

5.3

That consideration of this matter be deferred until the meeting of Council on 1 October 1999.

Carried.

(Note - This item was dealt with by Council as Item 8 on the Business Paper).

Note - The following persons addressed the meeting of the Planning Development and Transport Committee on this matter -

Mr Scott Brown, City Plan Services
Mr Doug Stein, Planet Hollywood

STATUS REPORT ON DEVELOPMENT APPLICATION: BURNS PHILP BUILDING, 5-11 BRIDGE STREET, SYDNEY (D98/05451)

5.4

That consideration of this matter be deferred until the meeting of Council on 1 October 1999.

Carried.

(Note - This item was dealt with by Council as Item 9 on the Business Paper).

Note - The following persons addressed the meeting of the Planning Development and Transport Committee on this matter -

Mr John Lyons, Stock Exchange Hotel
Mr Marcus Pesman, Barrister

DEVELOPMENT APPLICATION: BURNS PHILP BUILDING, 5-11 BRIDGE STREET, SYDNEY (D99/00252)

5.5

That consideration of this matter be deferred until the meeting of Council on 1 October 1999.

Carried.

(Note - This item was dealt with by Council as Item 10 on the Business Paper).

Note - The following persons addressed the meeting of the Planning Development and Transport Committee on this matter -

Mr James Byrns, Byrns Family Trust
Ms Judith Rintoul, Coneybear Morrison and Partners
Mr Sevag Chablain, Phillips Fox

PART "B" - DETERMINED BY THE PLANNING DEVELOPMENT AND TRANSPORT COMMITTEE UNDER DELEGATED AUTHORITY

The Planning Development and Transport Committee recommended that Council note that Item 5.6 was determined by the Planning Development and Transport Committee under delegated authority.

Carried.

DEVELOPMENT APPLICATION: ANDREW "BOY" CHARLTON POOL, MRS MACQUARIES ROAD, THE DOMAIN, SYDNEY (D1999-00436)

5.6

Moved by Councillor Turnbull, seconded by Councillor Coulton -

That arising from consideration of a report by the Area Planning Manager to the Planning Development and Transport Committee on 27 September 1999, in relation to Development Application D99-00436 made by City Projects Division, City of Sydney for the site at Andrew "Boy" Charlton Pool, The Domain, Sydney for redevelopment including partial demolition and rebuilding of new pools, change rooms, waiting area and meeting/club room, it be resolved that consent be granted subject to the following conditions:-

Schedule 1A

Approved Development, Contributions and Covenants

APPROVED DEVELOPMENT

- (1) Development must be in accordance with Development Application No. S199-00436 dated 17 June 1999 and Statement of Environmental Effects for the upgrade of the Andrew 'Boy' Charlton Pool at the Domain, Sydney prepared by Gary Shiels & Associates Pty Ltd, dated June 1999, Heritage Impact Statement entitled New Andrew "Boy" Charlton Pool The Domain, Sydney NSW prepared by Design 5 Architects, dated June 1999 and drawings numbered

98018/110 revision B dated June 1999

98018/111 revision B dated June 1999

98018/112 revision B dated June 1999

98018/113 revision B dated June 1999

98018/114 revision B dated June 1999

98018/115 revision B dated June 1999

98018/116 revision B dated June 1999

98018/117 revision B dated June 1999

98018/118 revision B dated June 1999

98018/119 revision B dated June 1999

98018/110 revision B dated June 1999

98018/111 revision B dated June 1999

98018/112 revision B dated June 1999

98018/113 revision B dated June 1999

prepared by Lippmann Associates and as amended by the following conditions:

APPROVED DESIGN

- (2) The approved design (including an element or detail of that design) or materials, finish or colours of the building must not be changed so as to affect the internal layout or external appearance of the building, without the **approval of Council**.

BUILDING HEIGHT

- (3)

- (a) The height of the building (as defined in the Dictionary in the Central Sydney Local Environmental Plan 1996) must not exceed RL 11.0(AHD).
- (b) Prior to issue of an Occupation Certificate under Environmental Planning and Assessment Act 1979, a Registered Surveyor shall provide certification of the height of the building, to the satisfaction of the Principal Certifying Authority (PCA) (Council or a private accredited certifier).

DEMOLITION/SITE RECTIFICATION

- (4) Demolition or excavation must not commence until a Construction Certificate has been issued under the Environmental Planning and Assessment Act 1979 for construction of the substantive building.

HERITAGE

- (5) During demolition all archaeological relics are to be protected from falling debris and damage.
- (6) The remains of all previous known structures on site are to be retained in situ, conserved and protected.
- (7) The proposed works are to be carried out in a manner that does not involve any demolition, alteration, or irreversible damage to original fabric (not identified in the scope of work of the application) of the heritage item.
- (8) A permanent interpretation strategy for the site must be prepared and implemented to assist public understanding of the history and significance of the site. It should be submitted for approval and completed prior to the release of the occupation certificate. The strategy should include recommendations regarding appropriate signage and exhibition of selected artefacts and/or other material to assist the public to understand the history and significance of the site.

HOURS OF OPERATION

- (9) The hours of operation must be restricted to between 6.00am and 10.00pm daily between 1 September and 30 April annually.

MANAGEMENT

- (10) The Management shall ensure that the behaviour of patrons entering and leaving the premises does not detrimentally affect the amenity of the neighbourhood. In this regard, the management shall be responsible for the control of noise and litter generated by patrons of the premises and shall ensure that patrons leave the vicinity of the premises in an orderly manner to the satisfaction of Council.

CARE OF BUILDING SURROUNDS

- (11) In addition to Council's daily street sweeping and cleansing operations, the manager of the building shall ensure that the general surrounds of the building including pavements and gutters are to be kept clean and free of litter at all times.

REMOVAL OF GRAFFITI

- (12) The manager of the site shall be responsible for the removal of all graffiti from the building and associated structures within 24 hours of its application

GLAZING

- (13) All external glazing in the development must be clear and untinted.
- (14) The visible light reflectivity from building materials should not exceed 20% and must be otherwise designed so as not to result in glare that causes discomfort or threatens safety of pedestrians or vehicle operators.
- (15) The glass facades and balustrading shall be maintained in a clean and safe state. If any glass panels are damaged they shall be replaced within 48 hours with identical glass.

SIGNS

- (16) A separate development application for any proposed signs which are either externally fitted or applied must be submitted for the approval of Council prior to the erection or display of any such signs.

INTRUDER ALARM

- (17) Any intruder alarm must be fitted with a timing device in accordance with the requirements of Regulation 12A of the Noise Control Act, 1975, and Australian Standard 2201, Parts 1 and 2 - 1978, Intruder Alarm Systems.

NOISE

- (18) The use of the premises must not give rise to any one or more of the following:
 - (a) Transmission of vibration to any place of different occupancy greater than specified in AS 2670.
 - (b) An indoor sound pressure level in any place of different occupancy (and/or public place) greater than 3dB above the L90 background level in any octave band from 31.5 Hz to 8,000 Hz centre frequencies inclusive between the hours of 8.00 a.m. to 10.00 p.m. daily and 0dB above the L90 background between 10.00 p.m. and 8.00 a.m. the following morning. However, when the L90 background levels in frequencies below 63 Hz are equal to or below the threshold of hearing, as specified by the equal loudness contours for octave bands of noise, this sub-clause does not apply to any such frequencies.
 - (c) A sound level at any point on the boundary of the site greater than the background levels specified in Australian Standard 1055. "Acoustics - Description and Measurement of Environmental Noise".
 - (d) An "offensive noise" as defined in the Noise Control Act 1975.
 - (e) The emission into the surrounding environment of gases, vapours, dust, or other impurities which are a nuisance or injurious or dangerous or prejudicial to health.

- (f) The method of measurement of vibration in (a) and sound levels in (b), (c) and (d) must be carried out in accordance with AS 2973 for vibration measurements, AS 1055 for outdoor sound level measurements, and AS 2107 for indoor sound level measurements.

Schedule 1B

Conditions to be complied with prior to issue of Construction Certificate to the satisfaction of the Certifying Authority

FURTHER DETAILS REQUIRED

- (19) The following details are required to be submitted to and approved by the Director City Development after consultation with the Priorities and Outcomes Committee prior to submission of a construction certificate. This approval shall not be sub-delegated to other Council officers:-
 - (a) materials and finishes of the underside of the structure as viewed from the harbour;
 - (b) 1:50 details of the shade structure, fenestration and door details indicating materials and details of any operable openings, screens and/or louvres;
 - (c) design details of the external bicycle storage;
 - (d) a detailed assessment of measures to be incorporated in the completed development and during construction which assist in the ecological sustainability of the development with regard to embodied energy, thermal mass and solar gain, natural ventilation, water conservation, use of alternate energy sources and waste management;
 - (e) plans indicating the proposed upgrade of hard paving and public domain in consultation with the Royal Botanic Gardens, The Domain Trust and the appointed heritage consultant in accordance with Council's specification and Footpath Paving Design Policy;
 - (f) details of the level of illumination and light spill associated with the proposed lamp structures; and
 - (g) details of the integration of the new complex with the adjoining sculpture proposal to the south, in terms of access, landscaping and management. Any landscaping is to be in consultation with the Royal Botanic Gardens, The Domain Trust and the appointed heritage consultant.

PHOTOGRAPHIC ARCHIVAL DOCUMENTATION

(20) Prior to the removal of any significant building fabric or furnishings from the site, and prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979, the applicant is required to **submit the following to Council**, for deposit in the City of Sydney Archives:-

- (a) Photographic documentation of the site and its context, and the exteriors and interiors of the existing building(s), photographed where appropriate, using a camera/lens capable of 'perspective correction', comprising:
 - i. 35mm colour slides, numbered and referenced to the site and building plans, and presented in archival quality storage sheets;
 - ii. 35mm or 120mm black and white film, numbered and referenced to the site and building plans, with negatives developed to archival standards, and 2 copies of contact sheets printed on fibre-based paper to archival standards;
 - iii. selective black and white enlargements **to be advised by Council**, printed on fibre-based paper to archival standards to a minimum size of 20cm x 25cm, illustrating the location and context of the site/building, the relationship of adjacent buildings, building elevations, and important interior and exterior architectural spaces and features of the building/site;
 - iv. A summary report of the photographic documentation, detailing;
 - a. the project description, method of documentation, and any limitations of the photographic record; and
 - b. photographic catalogue sheets, which are referenced to a site plan and floor plans no larger than A3, and indicating the location and direction of all photos (black & white prints and slides) taken.
 - v. Written confirmation that the Council reserves the right to use the photographs for its own purposes and for genuine research purposes.
- (b) Documentation shall be submitted to Council for lodging with the City of Sydney Archives, **prior to the commencement of the removal of any building fabric or any demolition at the site.**

ARCHAEOLOGICAL INVESTIGATION

(21)

- (a) The applicant must apply to the Heritage Office for an excavation permit under Section 140 of the Heritage Act 1977.

- (b) Should any potential archaeological deposit likely to contain Aboriginal artefacts be identified during the planning or historical assessment stage, application be made by a suitably qualified archaeologist to the National Parks and Wildlife Service (NPWS) for an excavation permit for Aboriginal relics.
- (c) The applicant shall comply with the conditions and requirements of any excavation permit required, and are to ensure that allowance for compliance with these conditions and requirements into the development program.
- (d) General bulk excavation of the site is not to commence prior to compliance with the conditions and requirements of any excavation permit required.
- (e) Should any historical relics be unexpectedly discovered in any areas of the site not subject to an excavation permit, then all excavation or disturbance to the area is to stop immediately and the Heritage Council of NSW should be informed in accordance with section 146 of the Heritage Act 1977.
- (f) Should any Aboriginal relics be unexpectedly discovered in any areas of the site not subject to an excavation permit, then all excavation or disturbance of the area is to stop immediately and the (NPWS) is to be informed in accordance with Section 91 of the National Parks and Wildlife Act, 1974.

Note:

- (g) In some circumstances, conditions imposed by the Heritage Office or NPWS could delay and/or affect how the DA is to proceed.
- (22) All archaeological relics revealed as a result of demolition of the current pool are to be assessed and recorded, in accordance with an excavation permit issued by the NSW Heritage Council. Once the archaeological investigation is complete and approved by the Heritage Council, the recommendations of the archaeological report are to be incorporated into the final design details for the complex, including landscaping and public access. The design details are to be submitted for approval by the Director City Development prior to the release of the construction certificate.
- (23) The applicant is to commission a qualified conservation specialist to work with the consultant team throughout the design development, contract documentation and construction stages of the project. The conservation specialist is to be involved in the resolution of all matters where existing significant fabric and spaces are to be subject to preservation, restoration and reconstruction.

LANDSCAPING OF THE SITE

- (24) The site must be landscaped and maintained to the approval of Council. A detailed landscape plan, to scale, drawn by a landscape architect or approved landscape consultant in consultation with the Royal Botanic Gardens, The Domain Trust and the appointed heritage consultant, must be lodged **and approved by Council** prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979. The plan must include:
- (a) Location of existing and proposed structures on the site including existing trees (if applicable);
 - (b) Details of earthworks including mounding and retaining walls and planter boxes (if applicable);
 - (c) Location, numbers and type of plant species;
 - (d) Details of planting procedure and maintenance;
 - (e) Details of drainage and watering systems;
 - (f) Special attention must be paid to the treatment of landscaping above a slab.

PAVING MATERIALS

- (25) The surface of any material used or proposed to be used for the paving of areas which are used by the public must comply with AS/NZS 3661.1:1993 "Slip Resistance of Pedestrian Surfaces Part 1: Requirements", Appendices A and B.

STORMWATER AND DRAINAGE

- (26) The following stormwater details shall be submitted:-
- (a) Details of the proposed stormwater disposal and drainage of the development are to be submitted for **approval by Council** prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979. All approved details for the disposal of stormwater and drainage are to be implemented in the development.
 - (b) Any proposed connection to Council's underground drainage system will require the owner to enter into a deed of Agreement with Council and obtain registration on Title of a Positive Covenant prior to the commencement of any work within the public way, at no cost to Council.

- (c) The requirements of Sydney Water (currently the Urban Development Central East Group, Rockdale Regional Office) with regard to the on site detention of stormwater must be ascertained and complied with. Evidence of the approval of Sydney Water to the on-site detention must be submitted prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979.
- (27) Certification that stormwater will be disposed from the site in accordance with Council's standard requirements shall be submitted to and approved by the Certifying Authority prior to issue of a Construction Certificate under Local Environmental Planning and Assessment Act 1979.

PUBLIC UTILITY SERVICES

- (28) To ensure that public utility authorities are advised of the development:
 - (a) A survey is to be carried out of all utility services within the site including relevant information from public utility authorities and excavation if necessary, to determine the position and level of services.
 - (b) The applicant is to negotiate with the public authorities (e.g. Energy Australia, Sydney Water, Telstra Australia, in connection with the relocation and/or adjustment of the services affected by the construction of the underground structure. Any costs in the relocation, adjustment or support of services are to be the responsibility of the developer.
 - (c) Documentary evidence is to be submitted to and approved by the Certifying Authority confirming that all of their requirements have been satisfied, prior to issue of a Construction Certificate under Environmental Planning and Assessment Act 1979.

STORAGE AND HANDLING OF WASTE

- (29) The design of the building and the methods of storage and handling of waste and recyclable material must comply with the Code for Waste Handling in Buildings adopted by Council 17 October 1994. The Code requires the submission of a Waste Management Plan, except for minor partition work (Annexure "A" of Code).
 - i. The project may require a garbage room, which must be large enough to store, and allow easy removal of the waste, which will be generated by the proposed use. Allowance must be made for the separation of putrescible waste from waste suitable for recycling.
 - (a) The Waste Management Plan for the project must be submitted to and approved by the Certifying Authority **prior to the issue of a Construction Certificate** under the Environmental Planning and Assessment Act 1979. The Waste Management Plan must be submitted by the Architect or other appropriately qualified person experienced in Waste Handling Design and Environmental Management.

Note:

- (b) Special requirements exist in Council's Code for premises such as medical and dental surgeries, food premises, skin penetration premises, laboratories and the like.
- (c) The Code recognises the constraints imposed by existing buildings and design issues. In circumstances where full compliance is not possible, an "Alternative Solution" must be submitted to the Certifying Authority.

SANITARY FACILITIES

- (30) Sanitary and other facilities must be provided in accordance with the Building Code of Australia, Part F2.

STRUCTURAL CERTIFICATION

- (31) For alterations and additions to an existing building, a letter from a qualified practising structural engineer (NPER) or a Compliance Certificate (Form 10 of the Environmental Planning and Assessment Act Regulation 1994) shall be submitted to the attached to the Construction Certificate Application. The letter must state that the existing structure is adequate to support the new loads and that the design will comply with the relevant Australian Standards adopted by the Building Code of Australia (Specification A1.3).

ACCESS FOR PEOPLE WITH DISABILITIES

- (32) Access for people with disabilities shall be provided in accordance with Part D3 of the Building Code of Australia and Council's Access Policy. Prior to issue of a Construction Certificate under Environmental Planning and Assessment Act 1979, a certificate certifying compliance with this condition OR a Compliance Certificate (Form 10 Environmental Planning and Assessment Act Regulation 1998) must be provided, and copy submitted to Council.

Schedule 1C

Conditions to be complied with prior to commencement of construction or demolition or work to the satisfaction of the Principal Certifying Authority

DESIGN OF FOOD PREMISES

(33)

- (a) All parts of the premises to be used for or in connection with the delivery, storage, preparation or service of food or beverages must be designed, constructed and have facilities which comply with the National Code for the Construction and Fitout of Food Premises, the Food Act 1989, and the Food (General) Regulation 1997. The premises must be ventilated in accordance with the Building Code of Australia and Council's Ventilation Code.
- (b) Plans and specifications of the design together with Certification of Design, must be submitted to the satisfaction of **either**:
 - i. the Certifying Authority with the construction certificate application, ie.
 - a. *an Environmental Planning and Assessment Regulation 1994 **Form 10 Compliance Certificate**; or
 - b. *Certification in the form of **Attachment F1** signed by an Architect or other persons appropriately qualified and experienced in the design, codes and legislative provisions for food premises, when the Certifying Authority is the Council,

OR

- ii. the Principal Certifying Authority prior to the commencement of the work, ie.
 - a. *an Environmental Planning and Assessment Regulation 1994 **Form 10 Compliance Certificate**; or
 - b. *Certification in the form of **Attachment F1** signed by an Architect or other persons appropriately qualified and experienced in the design, codes and legislative provisions for food premises, when the Principal Certifying Authority is the Council.

Note:

- iii. Separate Certification is required for all new or altered Mechanical Ventilation systems, compliance with Councils Code for Waste Handling in Buildings and for major food areas, hotels, food courts and similar establishments.

WASTE MANAGEMENT

(34)

- (a) A Waste Management Plan for the construction period of the proposed development must be submitted to the satisfaction of the Principal Certifying Authority **before commencement of work on the site**.
- (b) Certification that the plan is in accordance with the Development Approval Conditions, Council's Code for Waste Handling in Buildings and the Waste Minimisation and Management Act 1995, must be submitted in the attached **form W3** to the satisfaction of the Principal Certifying Authority. Such Certification must be submitted by the Architect or other appropriately qualified person experienced in Waste Handling Design and Environmental Management.
- (c) The Waste Management Plan must address demolition, excavation and construction of the premises, as applicable. The plan must describe procedures by which waste will be minimised, managed and recycled and must address the following issues:
 - i. Compliance with the requirements set out in Annexure ("A") of the Code for Waste Handling in Buildings adopted by Council 17 October 1994.
 - ii. Details of recycling and the removal of spoil and rubbish from the site in the course of demolition, excavation and construction operations including:
 - a. Type and quantities of material expected from demolition and excavation;
 - b. Name and address of transport company;
 - c. Address of proposed site of disposal;
 - d. Name/address of company/organisation accepting material;
 - e. Types and quantities of materials that are to be reused or recycled, on and off site and procedures involved;
 - f. Name of company/contractor undertaking on and off site reuse and recycling, and address of recycling outlet;
 - g. Material for disposal and justification of disposal.

- h. If details of items (ii) to (vii) are not known at the time of preparation of the Waste Management Plan, the information must be supplied immediately after the letting of the contacts.
- (d) All requirements of Waste Management Plans must be implemented during the construction period of the development.

Note:

- (e) The Principal Certifying Authority must be notified of any proposed change in any of the above details throughout the course of construction.

CERTIFICATION OF MECHANICAL VENTILATION

- (35) The details of any mechanical ventilation or air conditioning must be certified by a competent person to comply with Council's Ventilation Code, the Building Code of Australia and relevant Australian Standards, to the satisfaction of the Principal Certifying Authority **prior to commencement of any mechanical services work.**
 - (a) To enable certification, the mechanical ventilation documentation prescribed below shall be submitted to the Principal Certifying Authority:
 - (b) Certified plans (in duplicate), coloured so as to adequately distinguish the proposed alterations;
 - (c) A general description of the project plus mechanical ventilation drawings and documentation in duplicate, coloured to show ductwork and equipment as set out below. (Where appropriate a schematic drawing should also be submitted).
 - i. Supply Air Ducts, Shafts and Fans - Blue
 - ii. Return Air Ducts, Shafts and Fans - Pink
 - iii. Outside Air Ducts, Shafts, Intakes and Stair Pressurisation - Green
 - iv. Exhaust Air Ducts, Shafts, Fans, Discharges and Smoke Spill - Orange
 - v. Mixing Boxes and Conditions - Yellow
 - vi. Fire Dampers and Electric Heaters - Red

- (d) Drawings which show where applicable the existing and proposed air intakes, air discharges and cooling towers and their relative position to each other, the boundaries of the site, openable windows, and adjoining buildings;
 - (e) A Mechanical Ventilation Design Certificate pursuant to Section 93 of the Local Government Act 1993 in the form of **Attachment M1**, together with the Curriculum Vitae of the Design Engineer or other appropriate Certifier must be submitted to Principal Certifying Authority (PCA). A copy of the Certificate and a microfilm set of the certified drawings must be submitted to Council by the PCA;
 - (f) Documentary evidence in support of requests for departure from the prescribed or deemed provisions of the Building Code of Australia or any other requirements.
- (36) **Prior to the commencement of work**, the following documentation must be submitted to the satisfaction of the Principal Certifying Authority (PCA) and a copy of same submitted to Council:
- (a) **Structural Drawings** prepared by an appropriately qualified practising Structural Engineer, corresponding with and attached to a Structural Certificate (see (b));
 - (b) **Structural Certificate/s for Design**, submitted in the form of **Attachment S1A** completed by the Project/Principal Engineer and **S1B** completed usually by the Architect, OR a Compliance Certificate (Form 10 of the Environmental Planning and Assessment Regulation 1998), after the structural drawings have been checked and comply with:
 - i. The relevant clauses of the Building Code of Australia (BCA);
 - ii. The relevant conditions of Development Consent;
 - iii. The Architectural Plans incorporated with the Construction Certificate; and
 - iv. The relevant Australian Standards listed in the BCA (Specifications A1.3);
 - v. Any other relevant report/s or documents. Specify on form S1A.
 - (c) Repeat (a) and (b) for any revision, or staged submission of structural drawings.
 - (d) **Notes:**
 - i. An appropriately qualified practising structural engineer certifying by completing **Attachment S1A** must have:-
 - a. Appropriate tertiary qualifications in Civil or Structural Engineering; **AND**

- b. Corporate membership of the Institution of Engineers Australia or equivalent; **AND**
 - c. Evidence of relevant experience in the form of a CV/Resume;
 - d. Appropriate current professional indemnity insurance.
- ii. An appropriately qualified practising structural engineer certifying by issuing a **Form 10 Compliance Certificate** must have accreditation as a certifier for Structural Engineering issued by the Institution of Engineers Australia in accordance with the Environmental Planning and Assessment Act 1979.
 - iii. An appropriately qualified person certifying by completing **Attachment S1B** must have a good working knowledge of the Building Code of Australia and Structural and Architectural drawing co-ordination.
 - iv. **Certification of Inspection/s** is also required prior to issue of the Occupation Certificate, and/or prior to use. See Schedule 1E Conditions.
 - v. Council reserves the right to randomly audit any structural documentation.

ENVIRONMENTAL PROTECTION DURING CONSTRUCTION

(37) The following environmental protection measures are required:

- (a) Prior to the commencement of work, a Water and Sediment Control Statement must be **submitted and approved by the Principal Certifying Authority**.
- (b) Such statement must include:
 - i. The procedures by which stormwater and waste water deposited or generated on site is to be collected and treated prior to discharge including details of any proposed pollution control device;
 - ii. The proposed method of discharge;
 - iii. The procedures to be adopted for the prevention of run-off from the site onto the public way;
 - iv. The procedures to be adopted for the prevention of loose material and litter from being blown onto the public way;
 - v. The statement is to be consistent with the principles and practices set out in the Department of Land and Water Conservation's "Erosion and Sediment Control Manual".

- (c) The Water and Sediment Control Statement shall be implemented during the construction period.
 - (d) Any seepage or rainwater collected on site during construction must not be pumped to the street stormwater system unless separate prior approval is given in writing by Council. The applicant must comply with the Clean Waters Act, 1970, whereby it is an offence to pollute classified waters such as Sydney Harbour to which much of the City's street drainage is directly connected.
- (38) Prior to commencement of work for foundation, shoring or underpinning works, the following documentation must be submitted to the satisfaction of the Principal Certifying Authority (PCA) and a copy of same submitted to Council:
- (a) **A geotechnical report** which shall include the following information as appropriate:-
 - i. Borehole/test pit logs or inspection records;
 - ii. Field/laboratory test results;
 - iii. General geotechnical description of site;
 - iv. Recommended safe bearing values and likely settlements of foundation material;
 - v. Recommendations for stability and protection of excavations;
 - vi. Opinion on the effect of the new works on existing buildings and recommendations for any underpinning or other measures required to maintain stability;
 - vii. Method of proving and assessing foundations underpinning and/or excavation stability in accordance with design.
 - (b) An **Inspection and Test Plan** (ITP) that reflects the requirements of the geotechnical report, project drawings and specifications;
 - (c) The completed **Geotechnical Certificate for the Report and ITP**, submitted in the form of **Attachment G1** completed by the Project/Principal Geotechnical Engineer OR, a compliance certificate (Form 10 of the Environmental Planning and Assessment Regulation 1998) after satisfying (a) and (b);
 - (d) A **Dilapidation Report** of adjoining building/s that may be affected by the proposed excavation/construction work;

Notes:**GEOTECHNICAL CERTIFICATION**

(39)

- (a) An appropriately qualified practising geotechnical engineer certifying by completing **Attachment G1** must have:-
- i. Appropriate tertiary qualifications in Civil or Geotechnical Engineering, **AND**;
 - ii. Corporate membership of the Institution of Engineers Australia or equivalent; **AND**
 - iii. Evidence of relevant experience in the form of a CV/Resume;
 - iv. Appropriate current professional indemnity insurance.
- (b) An appropriately qualified practising geotechnical engineer certifying by issuing a **Form 10 Compliance Certificate** must have accreditation as a certifier for Geotechnical Engineering issued by the Institution of Engineers Australia in accordance with the Environmental Planning and Assessment Act 1979.
- (c) **Certification of Inspection/s** is also required prior to issue of the Occupation Certificate, and/or prior to use. See Schedule 1E Conditions.
- (d) Council reserves the right to randomly audit any geotechnical documentation.

Schedule 1D**Conditions to be complied with during construction****HOURS OF WORK AND NOISE**

(40) The hours of construction and work on the development shall be:

- (a) All work, including building/demolition and excavation work in connection with the proposed development must only be carried out between the hours of 7.30 a.m. and 5.00 p.m. on Mondays to Fridays, inclusive, and 7.30 a.m. and 3.00 p.m. on Saturdays, with safety inspections being permitted at 7.00 a.m. on work days and no work must be carried out on Sundays or public holidays. Construction during extended working hours may be undertaken subject to the prior approval of the General Manager or the Director of City Development. This delegation shall not be sub-delegated to other Council officers.

- (b) All work, including demolition, excavation and building work must comply with "The City of Sydney Building Sites Noise Code" and Australian Standard 2436 - 1981 "Guide to Noise Control on Construction, Maintenance and Demolition Sites".

SITE NOTICE OF PROJECTS DETAILS AND APPROVALS

- (41) A site notice(s) is to be prominently displayed at the boundary to each frontage of the site for the purposes of informing the public of appropriate project details and relevant approvals. The notice(s) is to satisfy all of the following requirements:-
 - (a) Minimum dimensions of the notice are to measure 841mm x 594mm (A1) with any text on the notice to be a minimum of 30 point type size;
 - (b) The notice is to be durable and weatherproof and is to be displayed throughout the construction period;
 - (c) A copy of the first page of the development approval, building approval (including any modifications to those approvals) and any civic works approvals is to be posted alongside the notice in weatherproof casing;
 - (d) The approved hours of work, the name of the site manager, the responsible managing company, its address and 24 hour contact phone number for any enquiries, including construction/noise complaint are to be displayed on the site notice;
 - (e) The notice(s) is to be mounted at eye level on the perimeter hoardings and is to state that unauthorised entry to the site is not permitted.

CONSTRUCTION DURING THE OLYMPICS

- (42) Should construction be required to take place during the period 1 September 2000 to 1 October 2000 it may only be carried out in accordance with a Traffic and Pedestrian Management Plan and a Construction Program submitted and **approved by Council**, after consultation with the relevant Olympic authorities, such submission to be made at least three months prior to September 2000.

CONTROL OF VERMIN

- (43) Measures for the eradication of vermin from the site during construction work shall be implemented prior to the commencement of any work to the satisfaction of the Principal Certifying Authority. All service ducts and cable entries to existing premises should be sealed prior to any demolition being carried out.

USE OF MOBILE CRANES

(44) Permits required for use of mobile cranes:-

- (a) For special operations including the delivery of materials, hoisting of plant and equipment and erection and dismantling of on site tower cranes which warrant the on street use of mobile cranes, permits must be obtained from Council for the use of a mobile crane. The permits must be obtained 48 hours beforehand for partial road closures which, in the opinion of Council will create minimal traffic disruptions and 4 weeks beforehand in the case of full road closures and partial road closures which, in the opinion of Council, will create significant traffic disruptions.
- (b) Mobile cranes operating from the road must not be used as a method of demolishing or constructing a building.
- (c) Special operations and the use of mobile cranes must comply with the approved hours of construction. Mobile cranes shall not be delivered to the site prior to 7.30am without the prior approval of Council.

NO OBSTRUCTION OF THE PUBLIC WAY

(45) The public way must not be obstructed by any materials, vehicles refuse, skips or the like, under any circumstances. Non-compliance with this requirement will result in the issue of Notice by Council to stop **all** work on site.

CLEAN WATERS ACT

(46) To comply with the Clean Waters Act 1970 whereby it is an offence to pollute classified waters such as Sydney Harbour to which must of the City's street drainage is directly connected:-

- (a) concrete trucks, concrete pumps and their attachments, and trucks used for the disposal of spoil shall not be washed out on the public way;
- (b) any water collected from on-site washing down of concrete trucks, concrete pumps or their attachments and trucks used for the disposal of spoil shall not be pumped, directed or allowed to flow to the street stormwater system;
- (c) any seepage or rain water collected on site during construction shall not be pumped to the street stormwater system unless separate prior approval is given in writing by Council and evidence of approval is to be submitted to the Principal Certifying Authority prior to discharge into such system.

APPROVAL OF DRIVEWAYS REQUIRED

- (47) Approved concrete driveways are to be constructed for all vehicular access to the construction site in accordance with the requirements of Council's "Driveway Specifications" to the satisfaction of Council.

COVER OF SPOIL VEHICLES

- (48) Vehicles carrying spoil or rubble to or from the site shall at all times be covered to prevent the escape of dust or other material.

Note:

- (a) The Protection of the Environment Administration Act 1991, provides for the revocation of transporters' licences where drivers dump wastes illegally.

BARRICADE PERMITS

- (49) Where construction/building works require the use of a public place including a road or footpath, approval under Section 68 of the Local Government Act 1993 for a Barricade Permit is to be obtained from Council prior to the commencement of work. Details of the barricade construction, area of enclosure and period of work are required to be submitted to the satisfaction of Council.

LOADING AND UNLOADING DURING CONSTRUCTION

- (50) The following requirements apply:-
- (a) **All loading and unloading associated with construction must be accommodated on site.**
 - (b) If, during excavation, it is not feasible for loading and unloading to take place on site, the provision of a construction zone may be considered by Council.
 - (c) In addition to any approved construction zone, provision must be made for loading and unloading to be accommodated on site once the development has reached ground level.
 - (d) If a construction zone is warranted, such an application must be made to Council prior to commencement of work on the site. An approval for a construction zone may be given for a specific period and certain hours of the days to reflect the particular need of the site for such facility at various stages of construction. The approval will be reviewed periodically for any adjustment necessitated by the progress of the construction activities.

WASTE MANAGEMENT CERTIFICATION OF COMPLETION

- (51) Certification of completion of waste handling works in accordance with the relevant Development Approval Conditions and Councils Code for Waste Handling in Buildings 1994, must be submitted in the form of **Attachment W2** to the satisfaction of the Principal Certifying Authority (PCA), (Council or a private accredited certifier) prior to the issue of an Occupation Certificate under the Environmental Planning and Assessment Act 1979 or prior to use of the premises. A copy of the Certificate shall be submitted to Council if it was not the PCA.
- (a) Such Certification must be given by the Architect or other appropriated qualified person experienced in Waste Handling Design and Environmental Management.

COMPLIANCE CERTIFICATE

- (52) Prior to the use of any part of the premises for or in connection with the delivery, storage, preparation or service of food or beverages, or prior to issue of an Occupation Certificate, a Certificate of Completion must be submitted to the satisfaction of the Principal Certifying Authority;

EITHER

- (a) an Environmental Planning and Assessment Regulation 1994 **Form 10 Compliance Certificate**;

OR

- (b) a **Food Premises Certificate of Completion** in the form of **Attachment F2** signed by an Architect or other person appropriately qualified and experienced in construction, fitout, codes and legislative provisions for food premises, when the Principal Certifying Authority is the Council.

HEALTH CONDITIONS

- (53) Prior to issue of an Occupation Certificate, Council's City Care Unit (Health Section) shall be notified of the premises being used for the preparation, manufacture or storage of food for sale. The premises will be registered on Council's Food Premises Database.
- (54) All evaporative cooling warm water or water cooling systems installed on the premises must comply with the Public Health Act 1991 and Public Health Regulation 1991 and be registered by Council.
- (55) The premises must be ventilated in accordance with the Building Code of Australia and Council's Ventilation Code.

Schedule 1E

Conditions to be complied with prior to issue of Occupation Certificate and prior to commencement of use, to the satisfaction of the Principal Certifying Authority

- (56) An Occupation Certificate (form 12 under the Environmental Planning and Amendment Regulation 1998) must be obtained from the Principal Certifying Authority (PCA) (Council or a private accredited certifier) and a copy furnished to Council in accordance with Section 79L of the Environmental Planning and Assessment Amendment Regulation 1998 prior to commencement of occupation or use of the whole or any part of a new building, an altered portion of, or an extension to an existing building. A copy of the certificate shall be submitted to Council if it was not the PCA.
- (57) Prior to issue of an Occupation Certificate, Council's City Care Unit (Health Section) shall be notified of the premises being used for the preparation, manufacture or storage of food for sale. The premises will be registered on Council's Food Premises Database.
- (58) All materials used in the building shall comply with specification C1.10 of the Building Code of Australia.
- (59) Prior to issue of an Occupation Certificate under Environmental Planning and Assessment Act 1979 and following the completion, installation, and testing of all the mechanical ventilation systems covered by the approval, a **Mechanical Ventilation Certificate of Completion and Performance** in the form of **Attachment M2** must be submitted to the Principal Certifying Authority (PCA) (Council or a private accredited certifier). A copy of the Certificate and a microfilm set of the certified drawings must be submitted to Council if it was not the PCA.

Note:

- (a) Council reserves the right to randomly audit any mechanical ventilation documentation.
- (60) Services passing through a floor shall either be in shafts complying with specification C1.1 or protected in accordance with C3.14 of the Building Code of Australia.
- (61) A **Fire Safety Certificate** (form 15 under the Environmental Planning and Assessment Amendment Regulation 1998) must be furnished to the Principal Certifying Authority (PCA) (Council or a private accredited certifier) for all of the items listed in the Fire Safety Schedule forming part of this approval prior to any consent for occupancy/partial occupancy being granted. A copy of the Certificate must be submitted to Council if it was not the PCA.
- (62) All glazing materials shall be selected and installed in accordance with the relevant provisions of AS 1288 S.A.A. "Glass Installation Code".

- (63) Future partitioning shall be designed so that access to all fire stairs from all areas including public areas is available at all times and so that not less than two exits shall be readily available at all times from every point on the floor including the lift lobby area. Lockable or security doors or partitioning preventing access to at least two exits from the lift lobby area will not be permitted.
- (64) **Prior to issue of an Occupation Certificate** or use of the premises, a **Structural Inspection Certificate** in the form of **Attachment S1C** OR a Compliance Certificate (Form 10 of the Environmental Planning and Assessment Regulation 1998) must be submitted to the satisfaction of the Principal Certifying Authority (PCA) (Council or a private accredited certifier) **after:**
- (a) The site has been periodically inspected and the structural certifier is satisfied that the Structural Works are deemed to comply with the final Design Drawings; and
 - (b) The drawing revisions listed on the Inspection Certificate have been checked with those listed on the final Design Certificate/s.
 - (c) A copy of the Certificate with a microfilm set of the final drawings shall be submitted to Council if it was not the PCA.

Notes:

- (d) An appropriately qualified practising structural engineer certifying by completing **Attachment S1C** must have:-
 - i. Appropriate tertiary qualifications in Civil or Structural Engineering, **AND**;
 - ii. Corporate membership of the Institution of Engineers Australia or equivalent; **AND**
 - iii. Evidence of relevant experience in the form of a CV/Resume;
 - iv. Appropriate current professional indemnity insurance.
- (e) An appropriately qualified practising structural engineer certifying by issuing a **Form 10 Compliance Certificate** must have accreditation as a certifier for Structural Engineering issued by the Institution of Engineers Australia in accordance with the Environmental Planning and Assessment Act 1979.
- (f) Council reserves the right to randomly audit any structural documentation.

HISTORIC MARKER

- (65) A brass plaque must be placed in the pavement adjacent to the site or on the facade of the building relating to the history of the site. The design, location and wording of the plaque shall be submitted **for the approval of Council** prior to issue of an Occupation Certificate under the Environmental Planning and Assessment Act 1979. The approved plaque shall be installed prior to Occupation.

COMMEMORATIVE PLAQUE

- (66) The following is required:
- (a) A commemorative plaque must be incorporated in the new building, in a prominent position at ground floor level at or near the main entrance to the building, to commemorate the major participants in the development. The details contained on the plaque are to include the names of the developer, architect, and consent authority and the year in which the building was completed.
 - (b) The proposed location of the plaque and details of its proposed size, colour and materials, and text must be submitted **for the approval of Council** prior to issue of an Occupation Certificate under the Environmental Planning and Assessment Act 1979.
 - (c) The approved plaque must be installed prior to Occupation.

Schedule 2

The prescribed conditions in accordance with Clause 78 of the Environmental Planning and Assessment Regulation 1998 apply to the development.

Prescribed conditions will be inserted in the Notice of Determination.

Schedule 3

Terms of Approval

Other Integrated Development Approvals

The Terms of Approval for Integrated Development as advised by the Heritage Office of New South Wales are as follows:

- (67) All work shall be in accordance with the policies and management recommendations in the *Conservation Management Plan Andrew Boy Charlton Pool*, dated 1995 by Design 5 Architects, and *The New Andrew Boy Charlton Pool Heritage Impact Statement* prepared by Design 5 Architects;

- (68) The surviving archaeology should be surveyed and recorded by a qualified archaeologist before any intervention or work commences. Particular attention should be paid to the investigation and recording of areas where evidence is to be lost or made inaccessible. A log must be kept of all new evidence found during the works;
- (69) An archaeologist shall obtain a permit from the Director NSW Heritage Office before works commence on site and an archaeologist conduct a watching brief during all excavation works on site;
- (70) The archaeologist should submit a report to the Heritage Office for comment. Subject to the findings in the archaeologists report a full archaeological assessment may be required and it shall be prepared in accordance with Archaeological Assessments and a further Integrated Development Application submitted leading to an excavation permit under s60 of the NSW Heritage Act , 1977; and
- (71) Following the demolition works being carried out, decisions should be made as to what landscaping can be carried out on the exposed site. These decisions should be made by suitably qualified professional with appropriate experience in the assessment of heritage items. Work shall be superintended on site by a consultant/s experienced in the conservation of similar heritage items who shall ensure work is in accordance with the conservation management documents.

Carried.

DEVELOPMENT APPLICATION: 211-217 CASTLEREAGH STREET AND PART 137-139B BATHURST STREET, SYDNEY (NO. 1 FIRE STATION) (D1999-00491)

5.7

That consideration of this matter be deferred until the meeting of Council on 1 October 1999.

Carried.

(Note - This item was dealt with by Council as Item 11 on the Business Paper).

Note - Mr Owen Sperling, resident, addressed the meeting of the Planning Development and Transport Committee on this matter.

PART "A" - (CONTINUED) - DETERMINED BY COUNCIL

**DEVELOPMENT APPLICATION: 483 GEORGE STREET, SYDNEY
(ALTERATIONS AND ADDITIONS TO LOWER TOWN HALL) (D99/00473)**

5.8

That consideration of this matter be deferred until the meeting of Council on 1 October 1999.

Carried.

(Note - This item was dealt with by Council as Item 12 on the Business Report).

**ITEM 6. TOWN HALL HOUSE ILLUMINATED SIGNAGE PROPOSAL (S 007
630)**

Moved by Councillor Turnbull, seconded by Councillor Greiner -

That arising from consideration of a report by the Project Manager, City Projects to the Finance, Properties and Tenders Committee on 27 September 1999 and to Council on 1 October 1999 for approval to source a supplier and an installer for the installation of the Corporate Logo to Town Hall House, it be resolved that the application be deferred for further consideration by the Finance, Properties and Tenders Committee.

ITEM 7. ALLOCATION OF FUNDING IN THE LOCAL COMMUNITY GRANTS PROGRAM 1999/2000 (S006838)

Moved by Councillor Marsden, seconded by Councillor Turnbull -

That arising from consideration of a Report by the Project Manager, City Service Development Unit to the Community Services, Small Business and Tourism Committee on 27 September 1999 and to Council on 1 October 1999, it be resolved that -

- (A) Council allocate funds within the Local Community Grants Program for 1999/2000 as follows -

Aunties and Uncles Co-operative Family Project Ltd	\$ 3,295
The Big Issue	\$ 3,000
The Bower Cooperative	\$ 4,000
Chinese Australian Services Society	\$ 4,500
Chinese Elderly Welfare Association	\$ 2,000
Chinese Youth League	\$ 4,000
Compassionate Friends NSW Incorporated	\$ 3,500
Friends in Deed Organisation (FIDO)	\$ 3,500
Luncheon Club	\$ 3,000
The Mustard Seed	\$ 2,800
Nursing Mothers Association of Australia	\$ 4,000
Pymont Ultimo Broadway Chippendale Scholarship Fund	\$ 3,000
Australian Theatre for Young People	\$ 5,000
East West Orchestra	\$ 3,000
Harris Community Centre	\$ 5,000
NSW Writers Centre	\$ 4,500
Shakespeare Globe Centre	\$ 1,905
Sydney Youth Orchestra Assoc	\$ 5,000
The Song Company	\$ 5,000
TOTAL	\$70,000

- (B) Council note that the General Manager will give further consideration to the proposal by Friends of the Sydney City Library Inc to purchase play equipment to establish a toy library at Ultimo Library;
- (C) Council note that some late applications had been received which are to be assessed; and

- (D) Council note that the proposal by the Darling House Aged Care Association may be a worthy environmental project and will be further considered.

Carried.

Adjournment

At 4.08pm, during discussion on Item 8, the Extraordinary Meeting of Council adjourned. At 4.19pm the Extraordinary Meeting of Council resumed and discussion on Item 8 continued. At the resumption of the Council meeting, those present were -

The Lord Mayor and Councillors Coulton, Greiner, Marsden and Turnbull.

ITEM 8. STATUS REPORT ON DEVELOPMENT APPLICATION: GROUND LEVEL AND BASEMENT, 600-612 GEORGE STREET, SYDNEY (PLANET HOLLYWOOD) (D99-00518)

Declaration of Interest

The Chairman (the Lord Mayor) declared a possible interest in that he resides near the subject site.

Moved by Councillor Coulton, seconded by Councillor Turnbull -

That arising from consideration of a report by the Director City Development to the Planning Development and Transport Committee on 27 September 1999 and to Council on 1 October 1999, in relation to Development Application D99-00518 made by City Plan Services for the site at 600-612 George Street, Sydney for use of the ground floor and basement of Planet Hollywood as a hotel with (up to) 30 gaming machines, it be resolved that:-

- (A) the report by the Director City Development be received and noted;
- (B) authority be delegated to the General Manager to determine the application following consultation with the Chairman of the Planning Development and Transport Committee and after the following issues have been addressed -
- location and number of gaming machines;
 - detailed conditions of consent; and
 - limiting the hours of operation of the gaming rooms.

Carried.

ITEM 9. STATUS REPORT ON DEVELOPMENT APPLICATION: BURNS PHILP BUILDING, 5-11 BRIDGE STREET, SYDNEY (D98/05451)

Moved by Councillor Marsden, seconded by Councillor Greiner -

That arising from consideration of the report by the Area Planning Manager to the Planning Development and Transport Committee on 27 September 1999 and to Council on 1 October 1999, with regard to Development Application D98-05451 made by the Stock Exchange Hotel Pty Ltd in respect of the Burns Philp Building at 5-11 Bridge Street, Sydney, and seeking consent for the fit-out and use of the basement as a licensed bar and gaming room, and the fit-out and use of the eastern ground floor and mezzanine a restaurant, it be resolved that:-

- (A) the report by the Director City Development be received and noted;
- (C) authority be delegated to the General Manager to determine the application following consultation with the Chairman of the Planning Development and Transport Committee and after the following issues have been addressed -
- location and number of gaming machines;
 - detailed conditions of consent; and
 - limiting the hours of operation of the gaming rooms.

Carried.

ITEM 10. DEVELOPMENT APPLICATION: BURNS PHILP BUILDING, 5-11 BRIDGE STREET, SYDNEY (D99/00252)

Moved by Councillor Turnbull, seconded by Councillor Greiner -

That arising from consideration of a report by the Area Planning Manager to the Planning Development and Transport Committee on 27 September 1999 and to Council on 1 October 1999, with regard to Development Application D99/00252 made by Summit Australia in respect of the Burns Philp Building at 5-11 Bridge Street, Sydney, and seeking consent for the carrying out of conservation works and an award of Heritage Floor Space, it be resolved that the application be approved subject to the Heritage Council's general terms of approval and the following conditions:-

Schedule 1A

Heritage Council general Terms of Approval

- (1) That the proposed conservation works be approved subject to the following conditions:
- (a) a separate IDA for signage which includes a signage strategy for the building is to be prepared;

- (b) that prior to the lodgement of the s60 application the lobby floor be investigated to determine whether the original mosaic floor is present and if found to be in a repairable state, consideration be given to its revealing and restoration;
- (c) that prior to the lodgement of the s60 application further consideration be given to the reinstatement of the pavement lights to Bridge Lane;
- (d) the western ground floor and the reduced western mezzanine are strata titled to form one title;
- (e) the Conservation Management Plan (CMP) prepared by Conybeare Morrison & partners (amended as agreed with SCC) be submitted to the State Heritage register Committee for endorsement at its August meeting;
- (f) the approval of the conservation works in IDA No. D/1999/00252 does not pre-empt or prejudice the State Heritage Register Committee's consideration and endorsement of the CMP;
- (g) the signing of the Heritage Agreement between the 7 bridge Street Pty Ltd and the Minister is contingent upon the Heritage Council's endorsement of the CMP;
- (h) the Schedule of Works (amended as agreed with SCC) detailing the extent of the work and proposed methodology is to be submitted as part of the required Section 60 Application;
- (i) the plans submitted as part of the Section 60 Application are consistent with the Statement of Heritage Impact (SOHI) in detailing the proposed works.
- (j) It is noted that the Heritage Council feels strongly that both mezzanine floors are intrusive elements and should be removed in the long term.

Approved Development, Contributions and Covenants

APPROVED DEVELOPMENT

- (2) Development must be in accordance with Development Application No. D99/00252 dated 16 April 1999, Statement of Heritage Impact prepared by Conybeare Morrison and Partners dated March 1999, Conservation Management Plan prepared by Conybeare Morrison and Partners dated August 1999, and drawings prepared by Conybeare Morrison and Partners as detailed below:-

Drawings

99.027/DA01	Elevations	Dated April 1999
99.027/DA02	Plans Sections	Dated April 1999
99.027/DA03	Plans	Dated April 1999
99.027/DA04	Plans, Details	Dated April 1999

and as amended by the following conditions:

AWARD OF HERITAGE FLOOR SPACE

- (3) The owner may be awarded 4067 sqm of heritage floor space under the provisions of the Central Sydney Local Environmental Plan 1996, if the elements set out in the following clauses are satisfied:-
- (a) The owner shall complete the conservation work approved by this development consent and future Construction Certificates under the Environmental Planning and Assessment Act 1979 prior to the registration of such heritage floor space in Council's Heritage Floor Space Register;
 - (b) The owner shall enter into a deed with Council and register any required covenants on the title of the land on the completion of the conservation works to:-
 - (i) ensure the continued conservation and maintenance of the building; and
 - (ii) limit any future development of the site to the total area of the conserved building, the area of which shall be certified by a Registered Surveyor prior to the execution of the deed.
 - (c) All legal documentation shall be prepared by Council's solicitor. The cost of preparation and registration of all documentation must be borne by the owner;
 - (d) The owner will **only** be registered as the owner of 4067 sqm of heritage floor space following the completion of paragraphs (a) - (c) of this condition.
 - (e) On the satisfactory completion of (a) - (c) above, and on application to Council, the owner will be issued with a letter of registration of HFS.

SECTION 61 CONTRIBUTION

(4) A contribution under Section 61 of the City of Sydney Act 1988 shall be paid in accordance with the following:

(a) **Cash Contribution Required**

- (i) In accordance with the adopted "*Central Sydney Contributions Plan 1997*" a cash contribution must be paid to Council in accordance with this condition.
- (ii) Payment shall be by bank cheque made payable to the City of Sydney.

(b) **Amount of Contribution**

- (i) The amount of the contribution will be equivalent to 1% of the development cost, at the Construction Certificate stage, as determined in accordance with the "*Central Sydney Contributions Plan 1997*".

(c) Certification of the calculation of the contribution in accordance with the "*Central Sydney Contribution Plan 1997*" shall be submitted for the **approval of Council** prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979.

- (i) For developments over \$2 million in cost, the certification of the building costs must be prepared by a Registered Quantity Surveyor.

(d) **Timing of Payment**

- i. The contribution must be paid **prior to issue of a Construction Certificate** under the Environmental Planning and Assessment Act 1979.

HERITAGE

(5)

(a) All conservation work shall be carried out as detailed in section 4.0 'The Proposal' of *Statement of Heritage Impact for 5-11 (7) Bridge Street, Sydney*, as amended by this consent, prepared for Summit Australia Pty Ltd by Conybeare Morrison & Partners, revised in March 1999. This conservation work must be carried out and approved by the Director City Development prior to the award of HFS.

(b) Prior to obtaining a Construction Certificate, the applicant shall provide to the Director City Development a detailed explanation of the processes that will be followed in order to guarantee that the high quality restoration intended by this development application is achieved in practice.

- (6) The applicant is to commission an experienced conservation architect to work with the consultant team throughout the design development, contract documentation and construction stages of the project. The conservation architect is to be involved in the resolution of all matters where existing significant fabric and spaces are to be subject to preservation, restoration, reconstruction, adaptive reuse, recording and demolition. The conservation architect is to be provided with full access to the site and authorised by the applicant to respond directly to Council where information or clarification is required regarding the resolution of heritage issues throughout the project.
- (7) The applicant is to commission experienced trades persons (as appropriate) that are skilled in traditional building trades to advise on the conservation of the place and carry out any work required.
- (8) The proposed works are to be carried out in a manner that involves minimum demolition, alteration, or irreversible damage to significant fabric (not affected by the scope of work of the application) of the Burns Philp building. Particular care shall be taken to avoid damage to the significant fabric of the building during the carrying out of any electrical or plumbing works.
- (9) All fitments/fixtures attached to significant fabric must involve the least possible damage and interference with significant fabric. This work should be undertaken in consultation with conservation architect noted in Condition 5.
- (10) All new services should be fixed to false ceilings and all service ducts concealed within false ceiling space. Additional ties or supports for such services must not be fixed through significant fabric, particularly remnants of pressed metal ceilings.
- (11) A condition assessment of the sandstone wall on the western side of the basement, screened by the existing plaster partition wall, shall be provided to Council's satisfaction 12 months after commencement of use. This assessment shall analyse the moisture content of the sandstone wall and provide a recommendation on any further conservation work required to be carried out to the wall. In particular the assessment should comment upon whether the existing plaster wall erected to assist in the drying of the wall is required to be retained. Should the wall no longer be required it shall be removed and the sandstone wall exposed to the satisfaction of the Director City Development.

SIGNS

- (12) Any proposed signage other than that required by conditions of this consent shall be the subject of a separate development application.

Schedule 1B

Conditions to be complied with prior to issue of Construction Certificate to the satisfaction of the Certifying Authority

HERITAGE

(13) Further design details are to be provided regarding:

- (a) The design and appearance and materials of the proposed mezzanine balustrade, and mezzanine edge detail, in the Shipping Halls on the ground level of the building.
- (b) The design and appearance of the proposed concertina grill to be placed on the north eastern entrance way on Bridge Street. The concertina grill should be date stamped to ensure it is not confused with original fabric.

Details are to be submitted and approved by the Director City Development prior to the release of the construction certificate.

(14) Further information is to be provided regarding the conservation methodology and process (including any required testing) relating to the following work:

- (a) Reinstatement of the balustrade and light fittings (to 1920 details) in the Entrance hall on the ground floor of the building. The Entrance Hall balustrade should be date stamped to ensure it is not confused with original fabric.
- (b) Conservation of the original goods lift in the basement level of the building.
- (c) Conservation of the pavement lights, tiled light wells and double hung sash windows on both Bridge Street.
- (d) Conservation of all external stone and brick on the building.
- (e) Conservation of all metalware on the building, particularly the slate roof, existing wrought iron grilles and internal pressed metal ceilings.
- (f) Conservation of the original stair and entrance threshold that leads up from the basement level of the building to Bridge Street.
- (g) Conservation of the trolley tracks and turntable in the rear corridor of the basement level of the building.
- (h) Paint scrapings undertaken to investigate restoration of the former colour scheme in the ground floor and mezzanine level of the building.

Details are to be submitted and approved by the Director City Development prior to the release of the construction certificate.

- (15) That part of the mezzanine providing access to the space over the main entrance hall way, identified in the approved plan Drawing No: 99.027/DA02 as "original stair landing", shall be reduced so as to extend no more than 2.1m from the main alignment of the reduced mezzanine consistent with the alignment detailed in the Development Application D98/05451.

Details are to be submitted and approved by the Director City Development prior to the release of the construction certificate.

- (16) The applicant is to investigate methodologies to remove the marble floor in the Entrance Hall of the building in order to reveal and restore the original mosaic tiles. Various methodologies should be tested to determine the method which would allow the mosaic tiles to be revealed in a manner that results in the least damage. Results of the investigation are to be submitted for consideration and determination by the Director City Development as to whether or not the mosaic tiles should be exposed and restored, prior to the release of the construction certificate.

If required the entire marble floor is to be removed and the mosaic tiles restored to the satisfaction of the Director City Development.

- (17) The applicant is to investigate methodologies to conserve remnant pavement lights on Bridge Lane. Results of the investigation are to be submitted for consideration and determination by the Director City Development as to whether or not the pavement lights are to be conserved, prior to the release of the construction certificate.

If required, all or some of the pavement lights are to be conserved to the satisfaction of the Director City Development.

- (18) Damaged brick on external facades should be investigated to ascertain whether the brick could be reused by rotating the external face of the brick. Where damaged brick can not be salvaged a sample of the colour and texture of the new brick shall be submitted and approved by the Director City Development to the release of the construction certificate.

- (19) The applicant is to investigate the possibility of reconstructing the cornice frieze around the ceiling in the ground floor mezzanine. Results of the investigation are to be submitted for consideration and determination by the Director City Development as to whether or not the cornice frieze should be reconstructed, prior to the release of the construction certificate.

If required, the cornice frieze is to be reconstructed to the satisfaction of the Director City Development.

- (20) Prior to and during the removal of any significant building fabric or furnishings from the site, and prior to the issue of a construction certificate under the Environmental Planning and Assessment Act 1979, the applicant is required to **submit the following to Council**, for deposit in the City of Sydney Archives:-

- (a) Photographic documentation of the site and its context, and the exteriors and interior of the existing building(s), photographed where appropriate, using a camera/lens capable of 'perspective correction', comprising:
- (i) 35mm colour slides, numbered and referenced to the site and building plans, and presented in archival quality storage sheets;
 - (ii) 35mm or 120mm black and white film, numbered and referenced to the site and building plans, with negatives developed to archival standards, and 2 copies of contact sheets printed on fibre-based paper to archival standards;
 - (iii) selective black and white enlargements **to be advised by Council**, printed on fibre-based paper to archival standards to a minimum size of 20cm by 25cm, illustrating the location and context of the site/building, the relationship of adjacent buildings, building elevations, and important interior and exterior architectural spaces and features of the building/site;
 - (iv) A summary report of the photographic documentation, detailing:
 - a. the project description, method of documentation, and any limitations of the photographic record; and
 - b. photographic catalogue sheets, which are referenced to a site plan and floor plans no larger than A3, and indicating the location and direction of all photos (black and white prints and slides) taken.
 - (v) Written confirmation that the Council reserves the right to use the photographs for its own purposes and for genuine research purposes.

Documentation shall be submitted to Council for lodging with the City of Sydney Archives, prior to the commencement of the removal or during the removal of any building fabric or demolition at the site.

- (21) The proposed plant room wall on the ground floor is to be set back from the edge of the corner pillar of the original light well. A section showing the set back of the wall is to be submitted and approved by the Director City Development prior to the release of the construction certificate.
- (22) All three arches in the rear corridor on the basement floor are to be retained and conserved. Details are to be submitted and approved by the Director City Development prior to the release of the construction certificate.
- (23) Upon completion of stone work repairs, the facade should be investigated and work carried out to ensure any open joints between window frames and stone reveals are sealed. Details are to be submitted and approved by the Director City Development prior to the release of the construction certificate.

- (24) The following changes are made to the Conservation Management Plan for the Burns Philp Building prepared by Conybeare Morrison & Partners submitted with the development application and revised in August 1999.
- (a) The thematic and contextual history of the Burns Philp building should be amended to include further details about the pre European History of the site as well as the contextual history of the site. Consultation with Council's Historian is recommended.
 - (b) That figures 13 - 18 in Section 5.0 'Assessment and Statement of Cultural Significance' of the Conservation Management Plan be given a title and key that grades the significance of spaces in accordance with the grading system used for fabric/elements.
 - (c) That Bridge Lane, the arched opening articulated in the northern facade of the Burns Philp building that defines the junction of Bridge Street and Bridge Lane, and the sub division pattern of the lanes surrounding the Burns Philp building, be included in section 5.6 Spaces and Elements of Considerable significance of the CMP as an item of considerable significance. That a conservation policy be inserted into section 7.0 'General Management Policy Recommendations' of the Conservation Management Plan to ensure the protection of Bridge Lane and the sub division pattern of the lanes surrounding Burns Philp building.
 - (d) That the stairs to the mezzanine be deleted from section 5.8 'Spaces and elements of slight significance'.
 - (e) That the circa 1961 mezzanine be deleted from section 5.10 'Fabric assessment – Fabric of some significance'.
 - (f) That section 6.4 'Constraints, Issues and Opportunities arising from Statutory Requirements' of the Conservation Management Plan be amended to correctly source the AAP zoning of the land in the City of Sydney Archaeological Zoning Plan, and, to correctly refer to heritage listings in Draft Heritage LEP 1998.
 - (g) That section 5.0 'Assessment and Statement of Cultural Significance' of the Conservation Management Plan is amended to standardise reference to fabric and spaces within the Burns Philp building. The section should clearly show fabric of significance in list form and spaces of significance in diagram (floor plan) form. Similar amendments to the text should be made to section 7.0 'General Management Policy Recommendations' of the Conservation Management Plan.
 - (h) That a conservation policy be inserted into the Conservation Management Plan to require regular review of the maintenance plan for the Burns Philp building.

- (i) That policy 7.4 'Exterior of the building' be deleted and the discussion within the policy be included in section 6.4 'Constraints, Issues and Opportunities arising from Statutory Requirements' of the Conservation Management Plan.
- (j) That a policy be included in the Conservation Management Plan requiring a signage strategy for the building. This strategy should provide details on the appropriate number, design and appearance, location, materials and method of fixing of signs on the building.

An amended Conservation Management Plan is to be submitted and approved by the Director City Development prior to the release of the construction certificate.

Schedule 1C

Conditions to be complied with prior to commencement of construction or demolition or work to the satisfaction of the Principal Certifying Authority

STRUCTURAL CERTIFICATION

- (25) **Prior to the commencement of work**, the following documentation must be submitted to the satisfaction of the Principal Certifying Authority (PCA), (Council or a private accredited certifier). A copy of the Certificate must be submitted to Council if it is not the PCA.
 - (a) **Structural Drawing/s** prepared by an appropriately qualified practising Structural Engineer; corresponding with and attached to a Structural Certificate (see (b));
 - (b) **A Structural Certificate for Design**, submitted in the form of **Attachment S1**, OR a Compliance Certificate (Form 10 of the Environmental Planning and Assessment Regulation 1998), after the structural drawings have been checked and comply with:
 - (i) The relevant clauses of the Building Code of Australia (BCA);
 - (ii) The relevant conditions of Development Consent;
 - (iii) The Architectural Plans incorporated with the Construction Certificate; and
 - (iv) The relevant Australian Standards listed in the BCA (Specification A1.3).
 - (c) Repeat (a) and (b) for any revision, or staged submission of structural drawings.

- (d) **Prior to issue of an Occupation Certificate** and/or use of the premises, **a Structural Inspection Certificate in the form of Attachment S1C** OR a Compliance Certificate (Form 10 of the Environmental Planning and Assessment Regulation 1998), must be submitted to the satisfaction of the Principal Certifying Authority and a copy of the certificate with a microfilm set of the final drawings submitted to Council **after:**
- (i) The site has been periodically inspected and the Certifier is satisfied that the Structural Works is deemed to comply with the final Design Drawings; and
 - (ii) The drawings listed on the Inspection Certificate have been checked with those listed on the final Design Certificate/s.
- (e) **Notes:**
- (i) An appropriately qualified practising structural engineer certifying by completing **Attachment S1** must have:-
 - a. Appropriate tertiary qualifications in Civil or Structural Engineering; **AND**
 - b. Corporate membership of the Institution of Engineers Australia or equivalent; **AND**
 - c. Evidence of relevant experience in the form of a CV/Resume;
 - d. Appropriate current professional indemnity insurance.
 - (ii) An appropriately qualified practising structural engineer certifying by issuing a **Form 10 Compliance Certificate** must have accreditation as a certifier for Structural Engineering issued by the Institution of Engineers Australia in accordance with the Environmental Planning and Assessment Act 1979.
 - (iii) **Certification of Inspection/s** is also required prior to issue of the Occupation Certificate, and/or prior to use. See Schedule 1E Conditions.
 - (iv) Council reserves the right to randomly audit any structural documentation.

Schedule 1D

Conditions to be complied with during construction

HOURS OF WORK AND NOISE

- (26) The hours of construction and work on the development shall be as follows:
- (a) All work, including demolition, excavation and building work in connection with the proposed development must only be carried out between the hours of 7.00 a.m. and 7.00 p.m. on Mondays to Fridays, inclusive, and 7.00 a.m. and 5.00 p.m. on Saturdays, and no work must be carried out on Sundays or public holidays.
 - (b) The applicant must provide to Council a 24 hour per day telephone contact number and must ensure such number is continually attended by a person with authority over the building work during the construction period.
 - (c) The approved hours of work and the 24 hour telephone number must be prominently displayed at all times on the building site and must be visible from a public street or a public place.
 - (d) All work, including demolition, excavation and building work must comply with "The City of Sydney Code of Practice for Construction Hours/Noise 1992" and Australian Standard 2436-1981 'Guide to Noise Control on Construction, Maintenance and Demolition Sites'.

Note: The "City of Sydney Code of Practice for Construction Hours/Noise 1992" allows extended working hours subject to the making of an application in accordance with the Code and under Section 96(2) of the Environmental Planning and Assessment Act 1979, and the granting of approval thereto.

CONSTRUCTION DURING THE OLYMPICS

- (27) Should construction be required to take place during the period 1 September 2000 to 1 October 2000 it may only be carried out in accordance with a Traffic and Pedestrian Management Plan and a Construction Program submitted and **approved by Council**, after consultation with the relevant Olympic authorities, such submission to be made at least three months prior to September 2000.

LOADING AND UNLOADING DURING CONSTRUCTION

- (28) The following requirements apply:-
- (a) All loading and unloading associated with construction must be accommodated on site.

- (b) If it is not feasible for loading and unloading to take place on site, the provision of a construction zone may be considered by Council.
- (c) If a construction zone is warranted, such an application must be made to Council prior to commencement of work on the site. An approval for a construction zone may be given for a specific period and certain hours of the days to reflect the particular need of the site for such facility at various stages of construction. The approval will be reviewed periodically for any adjustment necessitated by the progress of the construction activities.

PROTECTION OF STREET TREES

- (29) Street trees shall be protected at all times during construction, in accordance with Council's Tree Preservation Order. Any tree on the footpath which is damaged or removed during construction shall be replaced, to the approval of Council and the Principal Certifying Authority.

USE OF MOBILE CRANES

- (30) Permits required for use of mobile cranes:-
 - (a) For special operations including the delivery of materials, hoisting of plant and equipment and erection and dismantling of on site tower cranes which warrant the on street use of mobile cranes, permits must be obtained from Council for the use of a mobile crane. The permits must be obtained 48 hours beforehand for partial road closures which, in the opinion of Council will create minimal traffic disruptions and 4 weeks beforehand in the case of full road closures and partial road closures which, in the opinion of Council, will create significant traffic disruptions.
 - (b) Mobile cranes operating from the road must not be used as a method of demolishing or constructing a building.
 - (c) Special operations and the use of mobile cranes must comply with the approved hours of construction. Mobile cranes shall not be delivered to the site prior to 7.30am without the prior approval of Council.

OBSTRUCTION OF PUBLIC WAY

- (31) The public way must not be obstructed by any materials, vehicles refuse, skips or the like, under any circumstances. Non-compliance with this requirement will result in the issue of Notice by Council to stop **all** work on site.

Schedule 1E

Conditions to be complied with prior to issue of Occupation Certificate and prior to commencement of use, to the satisfaction of the Principal Certifying Authority

COMPLIANCE CERTIFICATE

- (32) A Compliance Certificate must be obtained from the Principal Certifying Authority (PCA) (Council or a private accredited certifier) and a copy furnished to Council on completion of the works. A copy of the certificate shall be submitted to Council if it was not the PCA.

Schedule 2

The prescribed conditions in accordance with Clause 78 of the Environmental Planning and Assessment Regulation 1998 apply to the development, in particular the following:

COMPLIANCE WITH BUILDING CODE OF AUSTRALIA

- (33) All building work must be carried out in accordance with the provisions of the Building Code of Australia.

This clause does not apply to the extent to which an exemption is in force under Clause 80H or 80I, subject to the terms of any condition or requirement referred to in Clause 80H (6) or 80I (4) of the Environmental Planning and Assessment Amendment Regulation 1998.

CHANGE OF BUILDING USE

- (34)
- (a) A building in respect of which there is a change of building use must comply with the Category 1 fire safety provisions applicable to the proposed new use.
- Note:** The obligation under condition to comply with the Category 1 fire safety provisions may require building work to be carried out even though none is proposed or required in this development consent.
- (b) This condition does not apply to the extent to which an exemption is in force under clause 80H or 80I, subject to the terms of any condition or requirement referred to in Clause 80H (6) or 80I (4) of the Environmental Planning and Assessment Amendment Regulation 1998.
- (c) In this condition, *Category 1 fire safety provision* has the same meaning as it has in Part 7B of the Environmental Planning and Assessment Amendment Regulation 1998.

PROTECTION OF PUBLIC PLACES

(35)

- (a) If the work involved in the erection or demolition of a building:
 - (i) is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or
 - (ii) building involves the enclosure of a public place,
a hoarding or fence must be erected between the work site and the public place.
- (b) If necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place.
- (c) The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.
- (d) Any such hoarding, fence or awning is to be removed when the work has been completed.

Carried.

ITEM 11. DEVELOPMENT APPLICATION: 211-217 CASTLEREAGH STREET AND PART 137-139B BATHURST STREET, SYDNEY (NO. 1 FIRE STATION) (D1999-00491)

Moved by Councillor Turnbull, seconded by Councillor Greiner -

That arising from consideration of a report by the Director City Development to the Planning Development and Transport Committee on 27 September 1999 and to Council on 1 October 1999, in relation to Development Application D99-00491 made by the New South Wales Department of Public Works and Services for the site at 211-217 Castlereagh Street and part of 137-139B Bathurst Street, Sydney, to carry out partial demolition (including the former Boot Factory), erect a new 4 level fire station building, undertake conservation works, erect an awning/canopy structure, excavate for a basement car park, create a vehicular right-of-way over a portion of the site fronting Bathurst Street and request a partial award of Heritage Floor Space, it be resolved that -

- (A) Notwithstanding the proposed partial demolition of the heritage item (the former Boot factory), the Council supports the development application having regard to the following:
 - (1) Demolition of the Boot Factory is consistent with the Conservation Plan for the site and allows the primary significance of the whole heritage item to be maintained, namely the retention of the Fire Station use on the site;

- (2) The partial demolition is limited to the minimal extent possible, to allow the site to meet contemporary fire station needs;
- (3) The development application proposes important conservation works, including restoration and works to enhance the remaining heritage fabric on the site;
- (4) The proposal has been supported by the New South Wales Heritage Council and the Central Sydney Planning Committee; and
- (5) The new infill building (replacing the former Boot Factory) is a high quality building, utilising modern materials and principles of energy efficiency, while being of a scale and design that both complements the significance of the adjoining fire station and the streetscape generally.

(B) consent be granted subject to the following conditions:-

Approved Development

1. Development must be in accordance with Development Application No. D99-00491 dated 25 June 1999, *Statement of Environmental Effects* prepared by JBA Urban Planning Consultants Pty Ltd dated July 1999 and drawings numbered DAO 1 - 1 9 prepared by NSW Department of Public Works and Services dated 25 June 1999 and as amended by the following conditions:

DESIGN CHANGES

2. The "Fire Station" sign on the northern end of the Castlereagh Street elevation shall be deleted. Any new signage shall be the subject of a separate development application.
3. Prior to construction, advice from a registered structural engineer shall be obtained with a view to reduce the number of new ground floor columns to the rear of the site, if possible, with a view to improving traffic manoeuvring around the site.

HERITAGE

4. The lift between the 1912 building and the original 1887 Fire Station shall be redesigned to ensure the existing stair is isolated from the lift well.
5. The existing southern wall adjacent to the engine bay shall be retained with tiles intact.
6. The existing terrazzo floor finish shall be retained as far as is possible, including to the edge of the existing coving adjacent to the timber wall panelling. The remaining floor area shall be finished in a new terrazzo, or similar, to match the existing.
7. All existing tiles on the office dividing walls shall be carefully removed and retained/stored on-site for reuse in the repairs to the existing walls.

8. The proposed wall opening on the northern wall shall be relocated (to the east), to the area where the tiles have been removed in the middle.
9. The new ground level fire engine doors to Castlereagh Street shall have a pattern indicative of the fact that they were originally four vertical panels (as this relates to the vertical design element of the existing heritage facade).
10. Any new glass doors behind the existing street doors in the 1887 building shall be attached in such a way to ensure there is no damage to the original tiling, with detailing to be provided to the Director of the NSW Heritage Office prior to work commencing.
11. The applicant is to commission an experienced conservation architect to work with the consultant team throughout the design development, contract documentation and construction stages of the project. The conservation architect is to be involved in the resolution of all matters where existing significant fabric and spaces are to be subject to preservation, restoration, reconstruction, adaptive reuse, recording and demolition.

The conservation architect is to be authorised by the applicant to respond directly to Council where information or clarification is required regarding the resolution of heritage issues throughout the project.

12. The proposal as it applies to the 1912 extension to the Fire Station is to be reviewed to the satisfaction of the Director, City Development. The objective of this review is to reduce the extent of demolition of significant fabric and to enhance the appropriate adaptive reuse of the structure, including the interface of retained and new structure and uses. The review is to include, but not be limited to, the following:
 - (a) Retention of the rear section of the southern internal wall of the engine bay area;
 - (b) Retention of terrazzo flooring within the engine bay area;
 - (c) Retention and recycling of wall tiles within the engine bay area;
 - (d) Insertion of wet areas to the first floor, and the resultant drainage impact within the engine bay area;
 - (e) Removal of later enclosures to the main structural beams in the engine bay area, where feasible under BCA requirements;
 - (f) Physical and design integration of new structure;
 - (g) Restoration of significant interior fabric, especially stairs, timber joinery and decorative ceilings;
 - (h) Insertion of any suspended ceilings in buildings being retained;
 - (i) Insertion of new services, especially air conditioning and mechanical ventilation, into significant fabric and spaces; and

- (j) Location of external mechanical on roof areas.
- 13. The applicant is to submit a detailed work method statement to demonstrate how the proposed excavation for the basement car park can be carried out with minimal damage to the 1888 and 1912 fabric to be retained within the development.
- 14. The applicant is to prepare a dilapidation report to monitor any damage to adjoining buildings caused during excavation and construction.
- 15. The proposed works are to be carried out in a manner that minimises any demolition, alteration, new penetrations/fixing or irreversible damage to the significant fabric of the existing building which is listed as a Heritage Item in Central Sydney Heritage LEP 1992. Particular care shall be taken to minimise damage to the significant fabric of the building during the carrying out of the internal fitout and any electrical or plumbing works.

PHOTOGRAPHIC ARCHIVAL DOCUMENTATION

- 16. Prior to the removal of any significant building fabric or furnishings from the site, and prior to construction, the applicant is required to **submit the following to Council**, for deposit in the City of Sydney Archives:-
 - (a) Photographic documentation of the site and its context, and the exteriors and interiors of the existing building(s), photographed where appropriate, using a camera/lens capable of 'perspective correction', comprising:
 - (i) 35mm colour slides, numbered and referenced to the site and building plans, and presented in archival quality storage sheets;
 - (ii) 35mm or 120mm black and white film, numbered and referenced to the site and building plans, with negatives developed to archival standards, and 2 copies of contact sheets printed on fibre-based paper to archival standards;
 - (iii) selective black and white enlargements **to be advised by Council**, printed on fibre-based paper to archival standards to a minimum size of 20cm x 25cm, illustrating the location and context of the site/building, the relationship of adjacent buildings, building elevations, and important interior and exterior architectural spaces and features of the building/site;
 - (iv) A summary report of the photographic documentation, detailing;
 - a. the project description, method of documentation, and any limitations of the photographic record; and
 - b. photographic catalogue sheets, which are referenced to a site plan and floor plans no larger than A3, and indicating the location and direction of all photos (black & white prints and slides) taken.
 - (v) Written confirmation that the Council reserves **the** right to use the photographs for its own purposes and for genuine research purposes.

Documentation shall be submitted to Council for lodging with the City of Sydney Archives, **prior to the commencement of the removal of any building fabric or any demolition at the site.**

ARCHAEOLOGICAL INVESTIGATION

17. The applicant shall prepare an Archaeological Management Plan, to be submitted to the Heritage Council for approval shall provide a copy of that plan to the Council. Further:
- (a) The applicant must apply to the Heritage Office for an excavation permit under Section 140 of the Heritage Act 1977.
 - (b) Should any potential archaeological deposit likely to contain Aboriginal artefacts be identified during the planning or historical assessment stage, application be made by a suitably qualified archaeologist to the National Parks and Wildlife Service (NPWS) for an excavation permit for Aboriginal relics.
 - (c) The applicant shall comply with the conditions and requirements of any excavation permit required, and are to ensure that allowance for compliance with these conditions and requirements into the development program.
 - (d) General bulk excavation of the site is not to commence prior to compliance with the conditions and requirements of any excavation permit required.
 - (e) Should any historical relics be unexpectedly discovered in any areas of the site not subject to an excavation permit, then all excavation or disturbance to the area is to stop immediately and the Heritage Council of NSW should be informed in accordance with section 146 of the Heritage Act 1977.
 - (f) Should any Aboriginal relics be unexpectedly discovered in any areas of the site not subject to an excavation permit, then all excavation or disturbance of the area is to stop immediately and the (NPWS) is to be informed in accordance with Section 91 of the National Parks and Wildlife Act, 1974.

Note:

In some circumstances, conditions imposed by the Heritage **Office** or NPWS could delay and/or affect how the DA is to proceed.

18. An interpretation strategy for the site should be prepared and implemented to assist the public understanding the history and significance of the site. This strategy should include recommendations regarding appropriate signage and exhibition of selected artefacts and/or other material. This strategy shall be approved by the Council prior to completion of the development.

AWARD OF HERITAGE FLOOR SPACE

19. The owner may be awarded 8541sqm of heritage floor space under the provisions of the Central Sydney Local Environmental Plan 1996, if the elements set out in the following clauses are satisfied:-

- (a) The owner shall complete the conservation work approved by this development consent prior to the registration of such heritage floor space in Council's Heritage Floor Space Register;
- (b) The owner shall enter into a deed with Council and register any required covenants on the title of the land on the completion of the conservation works to:-
 - (i) ensure the continued conservation and maintenance of the building; and
 - (ii) limit any future development of the site to the total area of the conserved building/development, which has a FSA of 4164sqm.
- (c) All legal documentation shall be prepared by Council's solicitor. The cost of preparation and registration of all documentation must be borne by the owner;
- (d) The owner will **only** be registered as the owner of 8541sqm of heritage floor space following the completion of paragraphs (a) - (c) of this condition.
- (e) On the satisfactory completion of (a) - (c) above, and on application to Council, the owner will be issued with a letter of registration of HFS.

TRAFFIC

- 20. All loading, unloading and other construction activities shall be accommodated on site except that:-
 - (a) If, during excavation, it is not feasible for loading and unloading to take place on site, the provision of a construction zone may be considered by Council.
 - (b) In addition to any approved construction zone, provision must be made for loading and unloading to be accommodated on site once the development has reached ground level.
 - (c) If a construction zone is warranted, such an application must be made to Council prior to commencement of work on the site. An approval for a construction zone may be given for a specified period and certain hours of the days to reflect the particular need of the site for such facility at various stages of construction. The approval will be reviewed periodically for any adjustment necessitated by the progress of the construction activities.
- 21. All costs of traffic management measures associated with the development shall be borne by the developer/applicant.
- 22. The vehicular right of way to be established over Lot 1 DP218604 (the Bathurst St portion of the site) prior to commencement of construction. The easement shall be compiled in consultation with the Director City Development prior to registration and shall allow shared vehicular use of the land to the remainder of Lot 1 DP 218604 not subject to the right of way, to enable that portion of the site to also be serviced by vehicles from the right of way established.

23. A system of lights, signs and/or mirrors, shall be installed between the basement, ramp and Bathurst Street driveway, to the satisfaction of the Director City Development. The system shall seek to address conflicts between vehicles leaving the basement and fire trucks entering the site.

BCA/REFLECTIVITY

24. The proposal shall meet the requirements of the Building Code of Australia (BCA) 1996 (Amendment No. 4). If existing stairs to be retained can not meet BCA requirements, measures to improve their safety shall be implemented.
25. All new materials shall meet the requirement of the BCA 1996.
26. The fire upgrading measures, as outlined in the letter from Building and Fire Surveying Consultants Pty Ltd dated 24/8/99 shall be fully implemented, to the satisfaction of the Building Consultant responsible for recommending certification by the Minister for Urban Affairs and Planning.
27. The awning details shall be such to minimise morning reflection to the occupants of adjoining buildings to the west.

NOISE

28. The use of the premises must not give rise to any one or more of the following:
 - (a) Transmission of vibration to any place of different occupancy greater than specified in AS 2670.
 - (b) An indoor sound pressure level in any place of different occupancy (and/or public place) greater than 3dB above the L90 background level in any octave band from 31.5 Hz to 8,000 Hz centre frequencies inclusive between the hours of 8.00 a.m. to 10.00 p.m. daily and OdB above the L90 background between p.m. and 8.00 a.m. the following morning. However, when the L90 background levels in frequencies below 63 Hz are equal to or below the threshold of hearing, as specified by the equal loudness contours for octave bands of noise, this sub-clause does not apply to any such frequencies.
 - (c) A sound level at any point on the boundary of the site greater than the background levels specified in Australian Standard 1055. "Acoustics Description and Measurement of Environmental Noise".
 - (d) An "offensive noise" as defined in the Noise Control Act 1975.
 - (e) The emission into the surrounding environment of gases, vapours, dust, or other impurities which are a nuisance or injurious or dangerous or prejudicial to health.

The above requirements do not apply to the use of sirens or alarms used by the NSW Fire Brigades in the course of its operations.

29. The method of measurement of vibration in (a) and sound levels in (b), (c) and (d) must be carried out in accordance with AS 2973 for vibration measurements, AS 1055 for outdoor sound level measurements, and AS 2107 for indoor sound level measurements.

APPROVED DESIGN

30. The approved design or materials, finish or colours of the building must not be changed (except as required by a conditions of this consent) so as to affect the external appearance of the building, without the **approval of Council**.
31. The architect of the project as approved should not be changed without prior notice to Council.
32. Any new boundary fences/walls shall be erected at the applicants full expense.

EXTERNAL LIGHTING

33. A separate development application is required to be lodged for any proposed external floodlighting or illumination of the building. Such application shall be submitted and approved by Council prior to the installation of any external lighting.
34. All vehicles, whether awaiting mechanical repairs, being repaired and those having been repaired must stand wholly within the premises.

CARE OF BUILDING SURROUNDS

35. In addition to Council's daily street sweeping and cleansing operations, the owner of the building shall ensure that the forecourt and the surrounds of the building including pavements and gutters are to be kept clean and free of litter at all times.

Schedule 1B

Conditions to be complied with prior to construction

PUBLIC DOMAIN PLAN

36. The following requirements apply:-
- (a) Three copies of a detailed Public Domain Plan (applying to Castlereagh Street footpath) shall be prepared by an architect, urban designer or landscape architect and shall **be approved by Council** (to be lodged with the Public Domain Officer at City Projects) prior to construction commencing. It is recommended that draft plans should be submitted for comment prior to formal submission for approval.
 - (b) The Public Domain Plan shall be as follows:-
 - (i) Drawn at 1: 1 00 scale.
 - (ii) Show the entire layout of the new driveway and flagstone footpath paving required.

- (iii) Nominate the location, type and material of all existing and proposed public pavement elements including trees, paving, kerbs and gutters, pedestrian ramps, vehicle crossings, street furniture, utility poles, parking meters, pedestrian and traffic signals, service pits and stormwater pits.
 - (iv) Include a longitudinal section of the pavement showing existing and proposed levels at 1 0 metre intervals at the building alignment, the kerb and the gutter on a common datum line. This longitudinal section is to be drawn at 1: 1 00 horizontal scale and 1: 1 0 (exaggerated) vertical scale. This section is to ensure that any significant longitudinal gradient change, such as flattening for vehicle entries, occurs within the building line and not at the public pavement.
 - (v) Include 1:50 scale cross sections through pedestrian ramps and vehicle crossings.
 - (vi) Include specifications of the proposed works.
- (c) The Public Domain Plan shall comply with the specifications and details of the Central Sydney Paving Design Policy 1996 and Council's Specifications and the Central Sydney Street Tree Policy 1994.
- (d) The Public Domain Plan shall incorporate the standard specifications and detail of the Central Sydney Paving Design Policy 1996 and Council's Specifications adapted to suit the specific site requirements as advised by the Public Domain Officer and may include:-
- (i) Adjustment to paving grades to provide a maximum crossfall of 2.5% from building line to top of kerb.
 - (ii) Repaving in accordance with Central Sydney Paving Design Policy 1996 and Council's Specifications.
 - (iii) The relocation or provision of new vehicle crossovers and pedestrian ramps including the consequent relocation of existing service pits, traffic signals, kerb corner radii, signs, street furniture and street trees.
 - (iv) The retention of existing street trees and the provision of new street trees to comply with the Central Sydney Street Tree Policy 1994.
 - (v) The repair and where required the resetting of all stone kerbing to 150mm above the gutter height and the replacement of concrete kerbing with stone kerbing. Where adjustments require substantial kerb and gutter demolition, the carriageway shall be reconstructed to the centre line of the carriageway.
 - (vi) The retention and repair of any existing pavement lights.
 - (vii) The retention and repair of any existing serviceable stone gutters.

- (viii) The realignment and level adjustment of service pit lids to correspond to new kerb ramps and paving. New service pit lids in flagstone paving to be infill type, with stone infill to match stone paving surrounds. New service pit lids in asphalt paving to be infill type, with cement mortar infill coloured to match adjoining asphalt.
- (e) Random checks by Council officers may be made throughout the construction process to advise the contractor of non-complying elements. However, no parts of the work are to be considered approved until receipt of the City of Sydney letter of approval. The City of Sydney will require all non complying parts to be rectified prior to issue of this letter.

MODEL

37. Prior to construction commencing, two accurate 1:500 scale models of the approved development must be **submitted to Council** (one for the City Model and one for the City's Exhibition Space).

Notes:

- (a) The models are to comply with all of the conditions of the Development Consent. Council's model maker should be consulted prior to construction of the model.
- (b) The model must be amended to repeat any further approvals under S96(2) of the Environmental Planning and Assessment Act 1979, that affect the external appearance of the building.

GLAZING

38. The visible light reflectivity from building materials used on the facade of the
39. building should not exceed 20% and must be otherwise designed so as not to result in glare that causes discomfort or threatens safety of pedestrians or drivers.

CAR PARK AND SERVICE VEHICLE LAYOUT

40.

- (a) The layout plan of the car park is to be generally in accordance with Australian Standard AS 2890.1 - 1993 "Parking Facilities Part 1: Off Street Car Parking". All parking spaces are to be line-marked.
- (b) The layout of the service vehicle areas is to comply with Australian Standard AS 2890.2 - 1989 "Off Street Parking Part 2 - Commercial Vehicles Facilities".

WASTE

41. The following requirements apply to storage and waste handling:

- (a) The design of the building and the methods of storage and handling of waste and recyclable material must comply with Council's Code for Waste Handling in Buildings (adopted 17 October 1994). The Code requires the submission of a Waste Management Plan, except for minor partition work (Annexure "A" of the Code).
- (b) Certification of compliance with the design and constructional requirements of the Code including the associated Waste Management Plans and with the Conditions of Development Application consent relating to waste must be certified consistent with the attached form **WI** prior to construction. Such Certification must be given by the Architect or other appropriately qualified person experienced in Waste Handling Design and Environmental Management.
- (c) The Certified Plans and Specifications must address compliance with the Waste Code including details of the following, where applicable:-
 - (i) The location, design and construction of the garbage room, recycling rooms, bin washing areas and collection areas.
 - (ii) The natural or mechanical ventilation, in accordance with the Building Code of Australia and Australian Standard 1668.
 - (iii) The location and design of any garbage chutes or compaction units required by Council's Code.
 - (iv) The proximity of waste handling facilities to commercial food areas or loading docks, with a view to avoiding cross contamination.

Note: Certification will also be required on completion of the building, prior to issue of a Certificate.

PUBLIC UTILITY SERVICES

42. To ensure that public utility authorities are advised of the development:

- (a) A survey is to be carried out of all utility services within the site including relevant information from public utility authorities and excavation if necessary, to determine the position and level of services.
- (b) The applicant is to negotiate with the public authorities (e.g. Energy Australia, Sydney Water, Telstra Australia), in connection with the relocation and/or adjustment of the services affected by the construction of the underground structure. Any costs in the relocation, adjustment or support of services are to be the responsibility of the developer.

- (c) Prior to the commencement of excavation, the applicant should contact the "Dial Before You Dig" service on telephone (02) 1 1 00, fax number 1300-652077 or email mocsinfo@mocs.com.au to ascertain the presence and type of underground utility services in the vicinity of the development.

ALIGNMENT LEVELS

43. The following shall be submitted **to Council**:-

- (a) A separate application including footpath alignment levels must be submitted for approval for the design of the building.
- (b) Such application must be accompanied by a plan prepared by a Registered Surveyor showing the existing location, size and levels (AHD) of all service covers, trees, poles and street furniture, kerb, gutter and alignment levels at 10m cross/sections, alignment levels at proposed and existing vehicular and/or pedestrian entrances within the footway adjacent to and extending 20 metres past either side of the site.
- (c) These levels as approved by Council are then to be incorporated into the construction plans.

APPLICATION FOR HOARDINGS AND SCAFFOLDING ON A PUBLIC PLACE

44. A separate application is to be made to Council for Approval under Section 68 of the Local Government Act 1993 to erect a hoarding or scaffolding in a public place and such application is to include:-

- (a) Architectural, construction and structural details of the design in accordance with the *Policy for the Design and Construction of Hoarding* (September 1997) and the *Interim Policy for Temporary Protective Structures*.
- (b) Structural certification prepared and signed by an appropriately qualified practising structural Engineer.
- (c) Evidence of the issue of a Structural Works Inspection Certificate and structural certification will be required prior to the commencement of demolition or construction works on site.

APPLICATION FOR SHORING AND ROAD OPENING

45. Prior to the commencement of any excavation of the building site and where shoring abuts the public way:-

- (a) A Road Opening Permit is to be obtained from Council.
- (b) Detailed shoring plans, associated documentation and certification are to be submitted to and approved by Council. Such documentation is to include:-

- (i) Structural shoring plans in duplicate and a Certification form in Attachment C prepared and signed by an appropriately qualified practising Structural Engineer and repeated for each revision issued to Council.
- (ii) The nomination of an appropriately qualified practising Structural Engineer who is to:-
 - a. Certify that upon completion of installation, the shoring complies with the certified plans and,
 - b. Undertake a minimum of six-monthly inspections certifying continuing structural stability of the shoring by submitting a completed Section 2 of the Structural Certification form in Attachment C to Council.
- (iii) The nomination of an appropriately qualified practising geotechnical consultant who is to inspect and ensure a stable excavated site and public way and submit to Council:-
 - a. A geotechnical report
 - b. The proving and certification of the foundation material.
- (iv) A thorough survey of all utility services within the public way adjoining the site, the locations of such services are to be shown upon the shoring plans.
- (v) Evidence of Council's acceptance of the shoring plans, documentation and certification is to be submitted to the Principal Certifying Authority prior to the commencement of any excavation of the building site.

Note: Council reserves the right to randomly audit any structural documentation submitted and either accept or reject the certification or part thereof and to randomly inspect the site.

PEDESTRIAN AND TRAFFIC MANAGEMENT DURING CONSTRUCTION

46. A Pedestrian and Traffic Management Plan must be **submitted to and approved by Council** prior to commencement of demolition/excavation or construction on the site and must include details of:-
- (a) Proposed ingress and egress of vehicles to and from the construction site;
 - (b) Proposed protection of pedestrians adjacent to the site;
 - (c) Proposed pedestrian management whilst vehicles are entering and leaving the site;
 - (d) Proposed route of construction vehicles to and from the site.

47. The Pedestrian and Traffic Management Plan shall be implemented during the construction period.

ENVIRONMENTAL PROTECTION DURING CONSTRUCTION

48. The following environmental protection measures are required:
- (a) Prior to the commencement of work, a Water and Sediment Control Statement must be **submitted and approved by the architect**.
 - (b) Such statement must include:
 - (i) The procedures by which stormwater and waste water deposited or generated on site is to be collected and treated prior to discharge including details of any proposed pollution control device;
 - (ii) The proposed method of discharge;
 - (iii) The procedures to be adopted for the prevention of run-off from the site onto the public way;
 - (iv) The procedures to be adopted for the prevention of loose material and litter from being blown onto the public way;
 - (v) The statement is to be consistent with the principles and practices set out in the Department of Land and Water Conservation's "Erosion and Sediment Control Manual".
 - (c) The Water and Sediment Control Statement shall be implemented during the construction period.
 - (d) Any seepage or rainwater collected on site during construction must not be pumped to the street stormwater system unless separate prior approval is given in writing by Council. The applicant must comply with the Clean Waters Act, 1970, whereby it is an offence to pollute classified waters such as Sydney Harbour to which much of the City's street drainage is directly connected.

Schedule 1C

Conditions to be complied with during construction

HOURS OF WORK AND NOISE

49. The hours of construction and work on the development shall be as follows:
- (a) All work, including demolition, excavation and building work in connection with the proposed development must only be carried out between the hours of 7.00 a.m. and 7.00 p.m. on Mondays to Fridays, inclusive, and 7.00 a.m. and 5.00 p.m. on Saturdays, and no work must be carried out on Sundays or public holidays.

- (b) All work, including demolition, excavation and building work must comply with "The City of Sydney Code of Practice for Construction Hours/Noise 1992" and Australian Standard 2436-1981 'Guide to Noise Control on Construction, Maintenance and Demolition Sites'.

Note: The "City of Sydney Code of Practice for Construction Hours/Noise 1992" allows extended working hours subject to the making of an application in accordance with the Code and under Section 96(2) of the Environmental Planning and Assessment Act 1979, and the granting of approval thereto.

SITE NOTICE OF PROJECTS DETAILS AND APPROVALS

50. A site notice(s) is to be prominently displayed at the boundary to each frontage of the site for the purposes of informing the public of appropriate project details and relevant approvals. The notice(s) is to satisfy all of the following requirements:-
- (a) Minimum dimensions of the notice are to measure 841mm x 594mm (A1) with any text on the notice to be a minimum of 30 point type size;
 - (b) The notice is to be durable and weatherproof and is to be displayed throughout the construction period;
 - (c) A copy of the first page of the development approval, building approval (including any modifications to those approvals) and any civic works approvals is to be posted alongside the notice in weatherproof casing;
 - (d) The approved hours of work, the name of the site manager, the responsible managing company, its address and 24 hour contact phone number for any enquiries, including construction/noise complaint are to be displayed on the site notice;
 - (e) The notice(s) is to be mounted at eye level on the perimeter hoardings and is to state that unauthorised entry to the site is not permitted.

USE OF APPLICANCE OF A HIGHLY INTRUSIVE NATURE

51. This development consent does not extend to the use of appliances which emit noise of a highly intrusive nature (such as pile-drivers and hydraulic hammers) or are not listed in Groups B, C, D, E or F of Schedule 1 of the "City of Sydney Code of Practice for Construction Hours/Noise 1992" and Australian Standard 2436-1981 "Guide to Noise Control on Construction, Maintenance and Demolition Sites". A separate application for approval to use any of these appliances must be made to Council.

CONSTRUCTION DURING THE OLYMPICS

52. Should construction be required to take place during the period 1 September 2000 to 1 October 2000 it may only be carried out in accordance with a Traffic and Pedestrian Management Plan and a Construction Program submitted and **approved by Council**, after consultation with the relevant Olympic authorities, such submission to be made at least three months prior to September 2000.

USE OF MOBILE CRANES

53. Permits required for use of mobile cranes:-

- (a) For special operations including the delivery of materials, hoisting of plant and equipment and erection and dismantling of on site tower cranes which warrant the on street use of mobile cranes, permits must be obtained from Council for the use of a mobile crane. The permits must be obtained 48 hours beforehand for partial road closures which, in the opinion of Council will create minimal traffic disruptions and 4 weeks beforehand in the case of full road closures and partial road closures which, in the opinion of Council, will create significant traffic disruptions.
- (b) Mobile cranes operating from the road must not be used as a method of demolishing or constructing a building.
- (c) Special operations and the use of mobile cranes must comply with the approved hours of construction. Mobile cranes shall not be delivered to the site prior to 7.30am without the prior approval of Council.

54. The public way must not be obstructed by any materials, vehicles refuse, skips or the like, under any circumstances. Non-compliance with this requirement will result in the issue of Notice by Council to stop **all** work on site.

55. To comply with the Clean Waters Act 1970 whereby it is an offence to pollute classified waters such as Sydney Harbour to which must of the City's street drainage is directly connected:-

- (a) concrete trucks, concrete pumps and their attachments, and trucks used for the disposal of spoil shall not be washed out on the public way;
- (b) any water collected from on-site washing down of concrete trucks, concrete pumps or their attachments and trucks used for the disposal of spoil shall not be pumped, directed or allowed to flow to the street stormwater system;
- (c) any seepage or rain water collected on site during construction shall not be pumped to the street stormwater system unless separate prior approval is given in writing by Council and evidence of approval is to be submitted to the Principal Certifying Authority prior to discharge into such system.

56. Approved concrete driveways are to be constructed for all vehicular access to the construction site in accordance with the requirements of Council's "Driveway Specifications" to the satisfaction of Council.

57. Vehicles carrying spoil or rubble to or from the site shall at all times be covered to prevent the escape of dust or other material.

Note: The Protection of the Environment Administration Act 1991, provides for the revocation of transporters' licences where drivers dump wastes illegally.

Schedule 1 D

Conditions to be complied with prior to Occupation

LOT CONSOLIDATION

58. All land titles within the site must be consolidated into one lot (excluding the Bathurst Street portion of the site). A plan of consolidation in a form capable of registration shall be lodged with the Land Titles Office.

NUMBERING

59. Numbers and the building name, shall be clearly displayed in accordance with the "Policy on Numbering of Premises within the City of Sydney". If new street numbers or a change to street numbers are required, a separate application shall be made to Council.
60. Air conditioning or refrigeration systems which contain RI 1 or RI 2 or any other controlled substance as defined in the Ozone Protection Regulation 1991, must not be installed in the building. Air conditioning and refrigeration systems must use environmentally friendly refrigerants.

WASTE MANAGEMENT CERTIFICATION OF COMPLETION

61. Details of waste handling works in accordance with Councils Code for Waste Handling in Buildings 1994, must be submitted to the Council.
62. Any intruder alarm must be fitted with a timing device in accordance with the requirements of Regulation 12A of the Noise Control Act, 1975, and Australian Standard 2201, Parts 1 and 2 - 1978, Intruder Alarm Systems.
63. All evaporative cooling warm water or water cooling systems installed on the premises must comply with the Public Health Act 1991 and Public Health Regulation 1991 and be registered by Council.

Carried.

**ITEM 12. DEVELOPMENT APPLICATION: 483 GEORGE STREET, SYDNEY
(ALTERATIONS AND ADDITIONS TO LOWER TOWN HALL)
(D1999/00473)**

Pecuniary Interest

Councillor Coulton declared a pecuniary interest in that a relative has been involved in the project in an architectural consultant capacity. Councillor Coulton did not take part in discussion or voting on this matter.

Moved by the Chairman (the Lord Mayor), seconded by Councillor Marsden -

That arising from consideration of a report by the Scott Carver Pty Ltd to the Planning Development and Transport Committee on 27 September 1999 and to Council on 1 October 1999, in relation to Development Application D99-00473 made by City Of Sydney/City Projects for the site at 483 George Street, Sydney (Lower Town Hall) for refurbishment and upgrade of lower Town Hall including new entry canopy, new entry, new foyer/bar space, upgrade to auditorium, services, etc, it be resolved that:

(A) subject to (B), consent be granted subject to the following conditions:-

Schedule 1A

Approved Development, Contributions and Covenants

APPROVED DEVELOPMENT

1. Development must be in accordance with Development Application No. No.D1999/00473 dated 2 July 1999 and the Statement of Environmental Effects titled "Multi Purpose Convention and Entertainment Venue" prepared JBA and Berkhout Urban Planning Consultants Pty Ltd, dated June 1999 and drawings numbered DA1 to DA10 and SK01 and SK02 prepared by City Projects dated June 1999 and as amended by the following conditions:

ARCHAEOLOGICAL INVESTIGATION

2.
 - (a) The applicant must comply with the excavation permit as issued on (*insert date of permit*), by the Heritage Office under Section 140 of the Heritage Act 1977.
 - (b) The applicant is to ensure allowance for compliance with the conditions of the excavation permit and requirements into the development program.
 - (c) Excavation of the site is not to commence prior to compliance with the conditions and requirements of the excavation permit.
 - (d) Should any historical relics be unexpectedly discovered in any areas of the site not subject to an excavation permit, then all excavation or disturbance to the area is to stop immediately and the Heritage Council of NSW should be informed in accordance with section 146 of the Heritage Act 1977.

- (e) Should any Aboriginal relics be unexpectedly discovered in any areas of the site not subject to an excavation permit, then all excavation or disturbance to the area is to stop immediately and the (NPWS) is to be informed in accordance with section 91 of the National Parks and Wildlife Act 1974.

Note:

In some circumstances, conditions imposed by the Heritage Office or NPWS could delay and/or affect how the DA is to proceed.

HERITAGE

- 3. In accordance with the Conservation Management Plan for Sydney Town Hall, if the modern additions of Town Hall House adjoining the northern colonnade are removed in the future, the doorway joinery and surrounding masonry between the northern colonnade and the northern corridor (to be removed) must be restored in its original position.
- 4. All bluestone flooring that is revealed underneath existing carpet in the corridors must be restored in accordance with the Conservation Management Plan for Sydney Town Hall.

NOISE/PATRON BEHAVIOUR

- 5. The use of the premises must not give rise to any one or more of the following:
 - (a) Transmission of vibration to any place of different occupancy greater than specified in AS 2670.
 - (b) An indoor sound pressure level in any place of different occupancy (and/or public place) greater than 3dB above the L90 background level in any octave band from 31.5 Hz to 8,000 Hz centre frequencies inclusive between the hours of 8.00 a.m. to 10.00 p.m. daily and 0dB above the L90 background between 10.00 p.m. and 8.00 a.m. the following morning. However, when the L90 background levels in frequencies below 63 Hz are equal to or below the threshold of hearing, as specified by the equal loudness contours for octave bands of noise, this sub-clause does not apply to any such frequencies.
 - (c) A sound level at any point on the boundary of the site greater than the background levels specified in Australian Standard 1055. "Acoustics - Description and Measurement of Environmental Noise".
 - (d) An "offensive noise" as defined in the Noise Control Act 1975.
 - (e) The emission into the surrounding environment of gases, vapours, dust, or other impurities which are a nuisance or injurious or dangerous or prejudicial to health.
 - (f) The method of measurement of vibration in (a) and sound levels in (b), (c) and (d) must be carried out in accordance with AS 2973 for vibration measurements. AS 1055 for outdoor sound level measurements, and AS 2107 for indoor sound level measurements.

- (g) The Management shall ensure that the behaviour of patrons entering and leaving the premises does not detrimentally affect the amenity of the neighbourhood. In this regard, the management shall be responsible for the control of noise and litter generated by patrons of the premises and shall ensure that patrons leave the vicinity of the premises in an orderly manner to the satisfaction of Council. If so directed by Council, the Management is to employ private security staff to ensure that this condition is complied with.

CARE OF BUILDING

6. The owner/manager of the Town Hall must ensure that the proposed glass roof over the existing loading dock is to be kept clear of leaf and other litter at all times.

CAFE

7. The operator of the café shall enter into a licence with Council for the subject area with all legal costs associated with the preparation of the licence being borne by the licensee. Such licence shall be executed prior to the commencement of operation of the café and is required to be reviewed annually.

Note:

Should the operator of the café change at any time, the licensee is required to be renewed under the name of the new operator.

8. In addition to Council's daily street sweeping and cleansing operations, the operator of the café shall ensure that the paved areas surrounding the building are to be kept clear at all times.
9. All outdoor furniture and planting shall be maintained at all times in a physically sound and aesthetically acceptable condition.
10. No furniture or other structure shall be fixed to the paved areas without the consent of Council.
11. The chairs should be able to be stacked or folded for storage when not in use with a furniture storage area provided within the premises.
12. The use of disposable tableware at the café is not permitted at any time.
13. The use of the licensed area shall not give rise to an offensive noise as defined in the Noise Control Act 1975, to adjoining properties or the public.
14. The proposed area shall be adequately illuminated at night to the satisfaction of Council.
15. Portable signs or goods for sale or display must not be placed on the footway or other public areas.
16. A separate development application for any proposed signs which are either externally fitted or applied must be submitted for the approval of Council prior to the erection or display of any such signs.

17. The hours of operation must be restricted to between 9.00am and 2.00am Monday to Sunday, inclusive.

PAVEMENT

18. All regraded paved areas at the Druitt Street forecourt must match existing surrounding paved areas. If the regraded paved areas are to be constructed of different materials, details of the proposed materials are to be submitted for approval of Council.

SIGNAGE

19. Any external signage other than the proposed pole sign at Druitt Street is not to be erected without the consent of Council.
20. The internal signage policy for the building must include indications that the southern door is a prominent means of egress from the building.

EGRESS

21. Seating within 2 metres of the northern and southern walls of the auditorium must be deleted to enable free access/egress at all times.
22. The southern door leading to Sydney Square must be strongly identified as a prominent exit in addition to the northern entrance. This should be done by means of signage and lighting and should be clear to patrons of the auditorium at all times, particularly at the conclusion of performances.

Schedule 1B

Conditions to be complied with prior to issue of Construction Certificate to the satisfaction of the Certifying Authority

EXTERNAL LIGHTING

23. Details of any proposed external floodlighting or illumination of the building and proposed café area must be submitted for the approval of Council.

AWNING

24. The proposed canopy to the new lobby is to be redesigned taking into consideration the comments received from the Heritage Council. Details of the redesigned canopy must be submitted for the approval of Council.

Note:

The Heritage Council states that the canopy should be reduced to the depth of the reveal that the entrance sits within and be designed in a manner that minimises its visual and physical impact on the highly significant external stonework.

REMOVAL OF SEATING ADJACENT TO EXISTS

25. That seating near the side access doors to the Lower Town Hall must be removed so that free access to all exits with a minimum clear width of 2 metres is available at all times.

CAFE

26. Details of the proposed café must be submitted for the approval of Council. Details requiring approval include:
- (a) Numbers of chairs and tables, and
 - (b) Boundaries of the area to be used.
27. All outdoor furniture, including tables, chairs, planters, umbrellas, etc shall be subject of Council approval. The furniture must comply with the requirements of the Outdoor Cafe Policy 1996. In selecting the outdoor furniture, care should be taken to ensure that the design would not leave impressions of other damage the paved areas within the licensed area. Any damage to Council's footway must be rectified at the lessee's expense.

SIGNAGE

28. Details of the proposed pole sign on the Druitt Street frontage must be submitted for the approval of Council.

RECEPTACLES FOR CIGARETTE BUTTS

29. Provision must be made outside the entrance/s to the building for an adequate number of receptacles for the disposal of cigarette butts. The design of the receptacle/s must be **approved by Council** prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979.

Note: The emptying and maintenance of the receptacle/s is the responsibility of the building owner/manager and will not be undertaken by Council.

PHOTOGRAPHIC ARCHIVAL DOCUMENTATION

30. Prior to the removal of any significant building fabric or furnishings from the site, and prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979, the applicant is required to **submit the following to Council**, for deposit in the City of Sydney Archives:-
- (i) Photographic documentation of the site and its context, and the exteriors and interiors of the existing building(s), photographed where appropriate, using a camera/lens capable of 'perspective correction', comprising:
 - a. 35mm colour slides, numbered and referenced to the site and building plans, and presented in archival quality storage sheets;

- b. 35mm or 120mm black and white film, numbered and referenced to the site and building plans, with negatives developed to archival standards, and 2 copies of contact sheets printed on fibre-based paper to archival standards;
 - c. selective black and white enlargements **to be advised by Council**, printed on fibre-based paper to archival standards to a minimum size of 20cm x 25cm, illustrating the location and context of the site/building, the relationship of adjacent buildings, building elevations, and important interior and exterior architectural spaces and features of the building/site;
 - d. A summary report of the photographic documentation, detailing;
 - i. the project description, method of documentation, and any limitations of the photographic record; and
 - ii. photographic catalogue sheets, which are referenced to a site plan and floor plans no larger than A3, and indicating the location and direction of all photos (black & white prints and slides) taken.
 - e. Written confirmation that the Council reserves the right to use the photographs for its own purposes and for genuine research purposes.
- (ii) Documentation shall be submitted to Council for lodging with the City of Sydney Archives, **prior to the commencement of the removal of any building fabric or any demolition at the site.**

ACCESS FOR PERSONS WITH A DISABILITY

31. Access to the lower Town Hall shall be in accordance with the requirements of "The City of Sydney Access Policy December 1992".

WASTE MANAGEMENT

32.

- (i) The design of the building and the methods of storage and handling of waste and recyclable material must comply with the Code for Waste Handling in Buildings adopted by Council 17 October 1994. The Code requires the submission of a Waste Management Plan, except for minor partition work (Annexure "A" of Code).
 - a. The project may require a garbage room, which must be large enough to store, and allow easy removal of the waste, which will be generated by the proposed use. Allowance must be made for the separation of putrescible waste from waste suitable for recycling.

- (ii) The Waste Management Plan for the project must be submitted to and approved by the Certifying Authority **prior to the issue of a Construction Certificate** under the Environmental Planning and Assessment Act 1979. The Waste Management Plan must be submitted by the Architect or other appropriately qualified person experienced in Waste Handling Design and Environmental Management.

Note:

- (iii) Special requirements exist in Council's Code for premises such as medical and dental surgeries, food premises, skin penetration premises, laboratories and the like.
 - (iv) The Code recognises the constraints imposed by existing buildings and design issues. In circumstances where full compliance is not possible, an "Alternative Solution" must be submitted to the Certifying Authority.
- (b) The following requirements apply to storage and waste handling:
- (i) The design of the building and the methods of storage and handling of waste and recyclable material must comply with Council's Code for Waste Handling in Buildings (adopted 17 October 1994). The Code requires the submission of a Waste Management Plan, except for minor partition work (Annexure "A" of the Code).
 - (ii) Certification of compliance with the design and constructional requirements of the Code including the associated Waste Management Plans and with the Conditions of Development Application consent relating to waste must be submitted to and approved by the Certifying Authority in the attached form **W1** prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979. Such Certification must be given by the Architect or other appropriately qualified person experienced in Waste Handling Design and Environmental Management.
 - (iii) The Certified Plans and Specifications must address compliance with the Waste Code including details of the following, where applicable:
 - a. The location, design and construction of the garbage room, recycling rooms, bin washing areas and collection areas.
 - b. The natural or mechanical ventilation, in accordance with the Building Code of Australia and Australian Standard 1668.
 - c. The location and design of any garbage chutes or compaction units required by Council's Code.
 - d. The proximity of waste handling facilities to commercial food areas or loading docks, with a view to avoiding cross contamination.

Note:

- (iv) Certification will also be required on completion of the building, prior to issue of an Certificate.

SANITARY FACILITIES

33. Sanitary and other facilities must be provided in accordance with the Building Code of Australia, Part F2.
34. Prior to issue of an Occupation Certificate, Council's City Care Unit (Health Section) shall be notified of the premises being used for the preparation, manufacture or storage of food for sale. The premises will be registered on Council's Food Premises Database.

HERITAGE CONSERVATION

35. The design development of all alterations and additions, including signage, must be carried out in consultation with a suitably qualified heritage expert. Details of the final design shall be submitted for the approval of Council.
36. All material of high to exceptional significance (as assessed in the Conservation Management Plan for Sydney Town Hall) that is to be removed as part of the works, must be undertaken in a manner that will ameliorate the impact on the heritage significance of the building, and enable appropriate storage of that fabric. Details relating to this must be submitted for the approval of Council.
37. The new toilets on the southern side of the building must be redesigned to minimise excavation of the archaeological zone beneath the floor. This may be addressed by means of constructing them on raised floors to provide service spaces. Details on the amended design are to be submitted for approval of Council.
38. The problems of water penetration in the vicinity of the northern colonnade (as identified in the Sydney Town Hall Conservation Management Plan) must be investigated and rectified as part of the works. Details relating to this must be in accordance with the Conservation Management Plan and must be submitted for approval of Council.

Schedule 1C

Conditions to be complied with prior to commencement of construction or demolition or work to the satisfaction of the Principal Certifying Authority

HOURS OF WORK AND NOISE

39. The hours of construction and work on the development shall be as follows:

- (i) All work, including demolition, excavation and building work in connection with the proposed development must only be carried out between the hours of 7.00 a.m. and 7.00 p.m. on Mondays to Fridays, inclusive, and 7.00 a.m. and 5.00 p.m. on Saturdays, and no work must be carried out on Sundays or public holidays. Construction during extended working hours may be undertaken subject to the prior approval of the General Manager or the Director of City Development. This delegation shall not be sub-delegated to other Council officers.
- (ii) All work, including demolition, excavation and building work must comply with "The City of Sydney Code of Practice for Construction Hours/Noise 1992" and Australian Standard 2436-1981 'Guide to Noise Control on Construction, Maintenance and Demolition Sites'.
- (iii) **Note:** The "City of Sydney Code of Practice for Construction Hours/Noise 1992" allows extended working hours subject to the making of an application in accordance with the Code and under Section 96(2) of the Environmental Planning and Assessment Act 1979, and the granting of approval thereto.

SITE NOTICE OF PROJECTS DETAILS AND APPROVALS

40. A site notice(s) is to be prominently displayed at the boundary to each frontage of the site for the purposes of informing the public of appropriate project details and relevant approvals. The notice(s) is to satisfy all of the following requirements:-

- (i) Minimum dimensions of the notice are to measure 841mm x 594mm (A1) with any text on the notice to be a minimum of 30 point type size;
- (ii) The notice is to be durable and weatherproof and is to be displayed throughout the construction period;
- (iii) A copy of the first page of the development approval, building approval (including any modifications to those approvals) and any civic works approvals is to be posted alongside the notice in weatherproof casing;
- (iv) The approved hours of work, the name of the site manager, the responsible managing company, its address and 24 hour contact phone number for any enquiries, including construction/noise complaint are to be displayed on the site notice;

- (v) The notice(s) is to be mounted at eye level on the perimeter hoardings and is to state that unauthorised entry to the site is not permitted.

CONSTRUCTION DURING THE OLYMPICS

- 41. Should construction be required to take place during the period 1 September 2000 to 1 October 2000 it may only be carried out in accordance with a Traffic and Pedestrian Management Plan and a Construction Program submitted and approved by Council, after consultation with the relevant Olympic authorities, such submission to be made at least three months prior to September 2000.

WASTE MANAGEMENT

42.

- (i) A Waste Management Plan for the construction period of the proposed development must be submitted to the satisfaction of the Principal Certifying Authority **before commencement of work on the site**.
- (ii) Certification that the plan is in accordance with the Development Approval Conditions, Council's Code for Waste Handling in Buildings and the Waste Minimisation and Management Act 1995, must be submitted in the attached **form W3** to the satisfaction of the Principal Certifying Authority. Such Certification must be submitted by the Architect or other appropriately qualified person experienced in Waste Handling Design and Environmental Management.
- (iii) The Waste Management Plan must address demolition, excavation and construction of the premises, as applicable. The plan must describe procedures by which waste will be minimised, managed and recycled and must address the following issues:
 - a. Compliance with the requirements set out in Annexure ("A") of the Code for Waste Handling in Buildings adopted by Council 17 October 1994.
 - b. Details of recycling and the removal of spoil and rubbish from the site in the course of demolition, excavation and construction operations including:
 - i. Type and quantities of material expected from demolition and excavation;
 - ii. Name and address of transport company;
 - iii. Address of proposed site of disposal;
 - iv. Name/address of company/organisation accepting material;
 - v. Types and quantities of materials that are to be reused or recycled, on and off site and procedures involved;

- vi. Name of company/contractor undertaking on and off site reuse and recycling, and address of recycling outlet;
 - vii. Material for disposal and justification of disposal.
 - viii. If details of items (ii) to (vii) are not known at the time of preparation of the Waste Management Plan, the information must be supplied immediately after the letting of the contracts.
- (iv) All requirements of Waste Management Plans must be implemented during the construction period of the development.

Note:

- (v) The Principal Certifying Authority must be notified of any proposed change in any of the above details throughout the course of construction.

DESIGN OF FOOD PREMISES

43.

- (i) All parts of the premises to be used for or in connection with the delivery, storage, preparation or service of food or beverages must be designed, constructed and have facilities which comply with the National Code for the Construction and Fitout of Food Premises, the Food Act 1989, and the Food (General) Regulation 1997. The premises must be ventilated in accordance with the Building Code of Australia and Council's Ventilation Code.
- (ii) Plans and specifications of the design together with Certification of Design, must be submitted to the satisfaction of **either**:
 - a. the Certifying Authority with the construction certificate application, ie.
 - i. *an Environmental Planning and Assessment Regulation 1994 **Form 10 Compliance Certificate**; or
 - ii. *Certification in the form of **Attachment F1** signed by an Architect or other persons appropriately qualified and experienced in the design, codes and legislative provisions for food premises, when the Certifying Authority is the Council,

OR

- b. the Principal Certifying Authority prior to the commencement of the work, ie.

- i. *an Environmental Planning and Assessment Regulation 1994 **Form 10 Compliance Certificate**; or
- ii. *Certification in the form of **Attachment F1** signed by an Architect or other persons appropriately qualified and experienced in the design, codes and legislative provisions for food premises, when the Principal Certifying Authority is the Council.

Note:

- c. Separate Certification is required for all new or altered Mechanical Ventilation systems, compliance with Councils Code for Waste Handling in Buildings and for major food areas, hotels, food courts and similar establishments.

Schedule 1D

Conditions to be complied with during construction

LOADING AND UNLOADING DURING CONSTRUCTION

44. The following requirements apply:-

- (i) **All loading and unloading associated with construction must be accommodated on site.**
- (ii) **The structural design of the building shall be such as to permit the basement and/or the ground floor to be used as a loading and unloading area for the construction of the remainder of the development.**
- (iii) If, during excavation, it is not feasible for loading and unloading to take place on site, the provision of a construction zone may be considered by Council.
- (iv) In addition to any approved construction zone, provision must be made for loading and unloading to be accommodated on site once the development has reached ground level.
- (v) If a construction zone is warranted, such an application must be made to Council prior to commencement of work on the site. An approval for a construction zone may be given for a specific period and certain hours of the days to reflect the particular need of the site for such facility at various stages of construction. The approval will be reviewed periodically for any adjustment necessitated by the progress of the construction activities.

CONTROL OF VERMIN

45. Measures for the eradication of vermin from the site during construction work shall be implemented prior to the commencement of any work to the satisfaction of the Principal Certifying Authority. All service ducts and cable entries to existing premises should be sealed prior to any demolition being carried out.

Schedule 1E

Conditions to be complied with prior to issue of Occupation Certificate and prior to commencement of use, to the satisfaction of the Principal Certifying Authority

WASTE MANAGEMENT CERTIFICATION OF COMPLETION

46. Certification of completion of waste handling works in accordance with the relevant Development Approval Conditions and Councils Code for Waste Handling in Buildings 1994, must be submitted in the form of **Attachment W2** to the satisfaction of the Principal Certifying Authority (PCA), (Council or a private accredited certifier) prior to the issue of an Occupation Certificate under the Environmental Planning and Assessment Act 1979 or prior to use of the premises. A copy of the Certificate shall be submitted to Council if it was not the PCA.
47. Such Certification must be given by the Architect or other appropriated qualified person experienced in Waste Handling Design and Environmental Management.
- (a) Prior to the use of any part of the premises for or in connection with the delivery, storage, preparation or service of food or beverages, or prior to issue of an Occupation Certificate, a Certificate of Completion must be submitted to the satisfaction of the Principal Certifying Authority;

EITHER

- (i) an Environmental Planning and Assessment Regulation 1994 **Form 10 Compliance Certificate**;

OR

- (ii) a **Food Premises Certificate of Completion** in the form of **Attachment F2** signed by an Architect or other person appropriately qualified and experienced in construction, fitout, codes and legislative provisions for food premises, when the Principal Certifying Authority is the Council.
- (b) All evaporative cooling warm water or water cooling systems installed on the premises must comply with the Public Health Act 1991 and Public Health Regulation 1991 and be registered by Council.

48. The premises must be ventilated in accordance with the Building Code of Australia and Council's Ventilation Code.
49. The applicant is to submit an evacuation management plan for the Lower Town Hall for the approval of Council. The evacuation plan is to include provision for fire wardens.

Schedule 2

The prescribed conditions in accordance with Clause 78 of the Environmental Planning and Assessment Regulation 1998 apply to the development.

- (B) authority be delegated to the Lord Mayor, in consultation with the Chairman of the Planning Development and Transport Committee, to approve final uses of the Lower Town Hall.

Carried.

ITEM 13. QUARTERLY REVIEW (S00-3239)

MEMORANDUM BY THE GENERAL MANAGER

To Council:

Councillors have been provided with details of the fourth quarter review of operations against the Corporate Plan. This report was included in the Councillor's Manual provided to Councillors after the City of Sydney election.

RECOMMENDATION

It is recommended that the quarterly review of operations by the General Manager for the quarter ended 30 June 1999 be received and noted.

(SGD) GREG MADDOCK
General Manager

Moved by Councillor Turnbull, seconded by Councillor Greiner -

That the Memorandum by the General Manager to Council on 1 October 1999, on Quarterly Review of Operations by the General Manager for the quarter ended 30 June 1999, be received and noted.

Carried.

ITEM 14. CENTRAL SYDNEY LOCAL ENVIRONMENTAL PLAN 1996 - DRAFT AMENDMENT NO. 10 AND CENTRAL SYDNEY DEVELOPMENT CONTROL PLAN 1996 - DRAFT AMENDMENT NO. 10: EXEMPT AND COMPLYING DEVELOPMENT (S00 7283)

Moved by Councillor Turnbull, seconded by Councillor Greiner -

That arising from consideration of the report by the Specialist Planner - Strategic/Section 94 to Council on 1 October 1999, on Draft Amendment No. 10 to Central Sydney Local Environmental Plan 1996 and Draft Amendment No. 10 to Central Sydney Development Control Plan 1996, it be resolved that:-

- (A) Council endorse Draft Amendment No. 10 to LEP 1996 and Draft Amendment No. 10 to DCP 1996 for public exhibition for a minimum period of 28 days;
- (B) Council exercise its delegated powers under Section 65 of the *Environmental Planning and Assessment Act 1979*, in accordance with the Best Practice Guidelines published by the Department of Urban Affairs and Planning in January 1997, and titled, "LEPs and Council land - Guidelines for Councils using delegated powers to prepare LEPs involving land that is or was controlled by Council";
- (C) when finalising the Draft LEP and Draft DCP for exhibition, the Lord Mayor be authorised to make any minor drafting changes to the Draft LEP and Draft DCP; and
- (D) Council endorse the submission at Attachment "D" to the subject report to the Department of Urban Affairs and Planning as the City Development Division's response to the Draft SEPP. Council reserves the right to make a further submission in the future.

Carried.

Closed Meeting

At 4.35pm, the Council resolved -

That, due notice of the intention to close the meeting having been given, the meeting be closed to the public in accordance with the provisions of Section 10A (2)(d)(i) of the Local Government Act 1993 to discuss Item 15 on the agenda as this matter comprised discussion of commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the persons who supplied it;

and it was further resolved that the meeting be closed for this item on the basis that discussion of this matter in open session would, on balance, be contrary to the public interest, specifically, there is a need to preserve confidentiality having regard to the subject matter and the circumstances of communications.

Item 15 was then dealt with by Council while the meeting was closed to the public.

ITEM 15. SMARTPOLE™ (SUPPLY TENDER 9912) (S009009)

Moved by the Chairman (the Lord Mayor), seconded by Councillor Turnbull -

That arising from consideration of a report by the Deputy Director, City Projects to the Finance, Properties and Tenders Committee on 27 September 1999 and to Council on 1 October 1999, on Smartpole™ Supply Tender 9912, it be resolved that:-

- (A) Council reject all tenders;
- (B) authority be delegated to the General Manager to enter into negotiations with the two preferred parties referred to in Paragraph 21 of the subject report and, failing a satisfactory outcome, negotiate with the third party nominated in Paragraph 21. The General Manager may include the fourth party within the negotiations provided the threshold issue of intellectual property rights is resolved, to the General Manager's satisfaction, by strictly no later than 5.00pm on Tuesday 12 October 1999;
- (C) following negotiations referred to in (B) above, a further report be brought back to Council at the meeting of 8 or 9 November 1999; and
- (D) Council note that due to the fact that the specification will not change and the comprehensive nature of these tenders, it is considered that inviting fresh tenders would not achieve a more satisfactory result.

Carried unanimously.

At 5.05pm the meeting concluded.

Chairman of a meeting of the Council of the City
of Sydney held on 8 November 1999 at which
meeting the signature herein was subscribed.